

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1155, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 5-2-6-1 IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:
- 4 "Criminal justice" includes activities concerning:
 - 5 (1) the prevention or reduction of criminal offenses;
 - 6 (2) the enforcement of criminal law;
 - 7 (3) the apprehension, prosecution, and defense of persons accused
 - 8 of crimes;
 - 9 (4) the disposition of convicted persons, including corrections,
 - 10 rehabilitation, probation, and parole; and
 - 11 (5) the participation of members of the community in corrections.
- 12 "Entitlement jurisdictions" include the state and certain local
- 13 governmental units as defined in Section 402(a) of the Omnibus Act.
- 14 "Institute" means the Indiana criminal justice institute.
- 15 "Juvenile justice" includes activities concerning:
 - 16 (1) the prevention or reduction of juvenile delinquency;
 - 17 (2) the apprehension and adjudication of juvenile offenders;
 - 18 (3) the disposition of juvenile offenders including protective
 - 19 techniques and practices;
 - 20 (4) the prevention of child abuse and neglect; and

(5) the discovery, protection, and disposition of children in need of services.

"Juvenile Justice Act" means the Juvenile Justice and Delinquency Prevention Act of 1974 and any amendments made to that act.

"Local governmental entities" include:

(1) trial courts; and

(2) political subdivisions (as defined in IC 36-1-2-13).

~~"Offender" has the meaning set forth in IC 5-2-12-4.~~

"Omnibus Act" means the Omnibus Crime Control and Safe Streets Act of 1968 and any amendments made to that act.

"Trustees" refers to the board of trustees of the institute.

SECTION 2. IC 5-2-6-3, AS AMENDED BY P.L.192-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The institute is established to do the following:

(1) Evaluate state and local programs associated with:

(A) the prevention, detection, and solution of criminal offenses;

(B) law enforcement; and

(C) the administration of criminal and juvenile justice.

(2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.

(3) Stimulate criminal and juvenile justice research.

(4) Develop new methods for the prevention and reduction of crime.

(5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.

(6) Administer victim and witness assistance funds.

(7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

~~(10) Establish and maintain, in cooperation with the office of the secretary of family and social services, a sex and violent offender directory.~~

(10) Identify grants and other funds that can be used by the

department of correction to carry out its responsibilities concerning sex offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

~~(12) Prescribe or approve forms as required under IC 5-2-12.~~

~~(13) Provide judges, law enforcement officers, prosecuting attorneys, parole officers, and probation officers with information and training concerning the requirements in IC 5-2-12 and the use of the sex and violent offender directory.~~

~~(14)~~ **(12)** Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

SECTION 3. IC 5-2-6-14, AS AMENDED BY P.L.64-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The victim and witness assistance fund is established. The institute shall administer the fund. Except as provided in subsection (e), expenditures from the fund may be made only in accordance with appropriations made by the general assembly.

(b) The source of the victim and witness assistance fund is the family violence and victim assistance fund established by IC 12-18-5-2.

(c) The institute may use money from the victim and witness assistance fund when awarding a grant or entering into a contract under this chapter, if the money is used for the support of a program in the office of a prosecuting attorney or in a state or local law enforcement agency designed to:

(1) help evaluate the physical, emotional, and personal needs of a victim resulting from a crime, and counsel or refer the victim to those agencies or persons in the community that can provide the services needed;

(2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or

(3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

- (1) pay the costs of administering the fund, including expenditures for personnel and data;
- (2) ~~establish and maintain support~~ the **Indiana sex and violent offender directory registry** under ~~IC 5-2-12~~; **IC 11-8-8**;
- (3) provide training for persons to assist victims; and
- (4) establish and maintain a victim notification system under IC 11-8-7 if the department of correction establishes the system.

SECTION 4. IC 10-13-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this chapter, "criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals.

(b) The term consists of the following:

- (1) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.
- (2) Information regarding a sex ~~and violent~~ offender (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-5**) obtained through sex ~~and violent~~ offender registration under ~~IC 5-2-12~~; **IC 11-8-8**.
- (3) Any disposition, including sentencing, and correctional system intake, transfer, and release.

SECTION 5. IC 10-13-3-27, AS AMENDED BY P.L.234-2005 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) Except as provided in subsection (b), on request, ~~a law enforcement agencies~~ **agency** shall release ~~or allow inspection of~~ a limited criminal history to **or allow inspection of a limited criminal history by** noncriminal justice organizations or individuals only if the subject of the request:

- (1) has applied for employment with a noncriminal justice organization or individual;
- (2) has applied for a license and **has provided** criminal history data as required by law to be provided in connection with the license;
- (3) is a candidate for public office or a public official;
- (4) is in the process of being apprehended by a law enforcement agency;
- (5) is placed under arrest for the alleged commission of a crime;

- 1 (6) has charged that the subject's rights have been abused
2 repeatedly by criminal justice agencies;
- 3 (7) is the subject of a judicial decision or determination with
4 respect to the setting of bond, plea bargaining, sentencing, or
5 probation;
- 6 (8) has volunteered services that involve contact with, care of, or
7 supervision over a child who is being placed, matched, or
8 monitored by a social services agency or a nonprofit corporation;
- 9 (9) is currently residing in a location designated by the department
10 of child services (established by IC 31-33-1.5-2) or by a juvenile
11 court as the out-of-home placement for a child at the time the child
12 will reside in the location;
- 13 (10) has volunteered services at a public school (as defined in
14 IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12)
15 that involve contact with, care of, or supervision over a student
16 enrolled in the school;
- 17 (11) is being investigated for welfare fraud by an investigator of
18 the division of family resources or a county office of family and
19 children;
- 20 (12) is being sought by the parent locator service of the child
21 support bureau of the division of family and children;
- 22 (13) is or was required to register as a sex ~~and violent~~ offender
23 under ~~IC 5-2-12~~; **IC 11-8-8**; or
- 24 (14) has been convicted of any of the following:
- 25 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen
26 (18) years of age.
- 27 (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is
28 less than eighteen (18) years of age.
- 29 (C) Child molesting (IC 35-42-4-3).
- 30 (D) Child exploitation (IC 35-42-4-4(b)).
- 31 (E) Possession of child pornography (IC 35-42-4-4(c)).
- 32 (F) Vicarious sexual gratification (IC 35-42-4-5).
- 33 (G) Child solicitation (IC 35-42-4-6).
- 34 (H) Child seduction (IC 35-42-4-7).
- 35 (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
- 36 (J) Incest (IC 35-46-1-3), if the victim is less than eighteen
37 (18) years of age.

1 However, limited criminal history information obtained from the
 2 National Crime Information Center may not be released under this
 3 section except to the extent permitted by the Attorney General of the
 4 United States.

5 (b) A law enforcement agency shall allow inspection of a limited
 6 criminal history by and release a limited criminal history to the
 7 following noncriminal justice organizations:

8 (1) Federally chartered or insured banking institutions.

9 (2) Officials of state and local government for any of the following
 10 purposes:

11 (A) Employment with a state or local governmental entity.

12 (B) Licensing.

13 (3) Segments of the securities industry identified under 15 U.S.C.
 14 78q(f)(2).

15 (c) Any person who uses limited criminal history for any purpose not
 16 specified under this section commits a Class A misdemeanor.

17 SECTION 6. IC 10-13-3-30 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) Except as
 19 provided in subsection (c), on request for release or inspection of a
 20 limited criminal history, law enforcement agencies may, if the agency
 21 has complied with the reporting requirements in section 24 of this
 22 chapter, and the department shall do the following:

23 (1) Require a form, provided by law enforcement agencies and the
 24 department, to be completed. The form shall be maintained for two

25 (2) years and shall be available to the record subject upon request.

26 (2) Collect a three dollar (\$3) fee to defray the cost of processing
 27 a request for inspection.

28 (3) Collect a seven dollar (\$7) fee to defray the cost of processing
 29 a request for release. However, law enforcement agencies and the
 30 department may not charge the fee for requests received from the
 31 parent locator service of the child support bureau of the division
 32 of family and children.

33 (b) Law enforcement agencies and the department shall edit
 34 information so that the only information released or inspected is
 35 information that:

36 (1) has been requested; and

37 (2) is limited criminal history information.

(c) The fee required under subsection (a) shall be waived if the request relates to the **Indiana sex and violent offender directory registry** under ~~IC 5-2-6~~ **IC 11-8-8** or concerns a person required to register as a sex ~~and violent~~ offender under ~~IC 5-2-12~~ **IC 11-8-8**.

SECTION 7. IC 10-13-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this chapter, "juvenile history data" means information collected by criminal or juvenile justice agencies or individuals about a child who is alleged to have committed a reportable act and consists of the following:

(1) Descriptions and notations of events leading to the taking of the child into custody by a juvenile justice agency for a reportable act allegedly committed by the child.

(2) A petition alleging that the child is a delinquent child.

(3) Dispositional decrees concerning the child that are entered under IC 31-37-19 (or IC 31-6-4-15.9 before its repeal).

(4) The findings of a court determined after a hearing is held under IC 31-37-20-2 or IC 31-37-20-3 (or IC 31-6-4-19(h) or IC 31-6-4-19(i) before their repeal) concerning the child.

(5) Information:

(A) regarding a child who has been adjudicated a delinquent child for committing an act that would be an offense described in ~~IC 5-2-12-4~~ **IC 11-8-8-5** if committed by an adult; and

(B) that is obtained through sex ~~and violent~~ offender registration under ~~IC 5-2-12~~ **IC 11-8-8**.

SECTION 8. IC 10-13-6-10, AS AMENDED BY P.L.142-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) This section applies to the following:

(1) A person convicted of a felony under IC 35-42 (offenses against the person) or IC 35-43-2-1 (burglary):

(A) after June 30, 1996, whether or not the person is sentenced to a term of imprisonment; or

(B) before July 1, 1996, if the person is held in jail or prison on or after July 1, 1996.

(2) A person convicted of a criminal law in effect before October 1, 1977, that penalized an act substantially similar to a felony described in IC 35-42 or IC 35-43-2-1 or that would have been an included offense of a felony described in IC 35-42 or IC 35-43-2-1

1 if the felony had been in effect:

2 (A) after June 30, 1998, whether or not the person is sentenced
3 to a term of imprisonment; or

4 (B) before July 1, 1998, if the person is held in jail or prison on
5 or after July 1, 1998.

6 (3) A person convicted of a felony, conspiracy to commit a felony,
7 or attempt to commit a felony:

8 (A) after June 30, 2005, whether or not the person is sentenced
9 to a term of imprisonment; or

10 (B) before July 1, 2005, if the person is held in jail or prison on
11 or after July 1, 2005.

12 (b) A person described in subsection (a) shall provide a DNA sample
13 to the:

14 (1) department of correction or the designee of the department of
15 correction if the offender is committed to the department of
16 correction; ~~or~~

17 (2) county sheriff or the designee of the county sheriff if the
18 offender is held in a county jail or other county penal facility,
19 placed in a community corrections program (as defined in
20 IC 35-38-2.6-2), or placed on probation; ~~or~~

21 **(3) agency that supervises the person, or the agency's**
22 **designee, if the person is on conditional release in accordance**
23 **with IC 35-38-1-27.**

24 A person is not required to submit a blood sample if doing so would
25 present a substantial and an unreasonable risk to the person's health.

26 (c) The detention, arrest, or conviction of a person based on a data
27 base match or data base information is not invalidated if a court
28 determines that the DNA sample was obtained or placed in the Indiana
29 DNA data base by mistake.

30 SECTION 9. IC 10-13-6-11 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The
32 superintendent may issue specific guidelines relating to procedures for
33 DNA sample collection and shipment within Indiana for DNA
34 identification testing.

35 (b) The superintendent shall issue specific guidelines related to
36 procedures for DNA sample collection and shipment by the:

37 **(1) county sheriff or designee of the county sheriff under section**

10(b)(2) of this chapter; **or**
(2) supervising agency or designee of the supervising agency
under section 10(b)(3) of this chapter.

The superintendent shall provide each county sheriff **and supervising agency** with the guidelines issued under this subsection. A county sheriff **and supervising agency** shall collect and ship DNA samples in compliance with the guidelines issued under this subsection.

(c) The superintendent may delay the implementation of the collection of DNA samples under section 10(b)(2) **or 10(b)(3)** of this chapter in one (1) or more counties until the earlier of the following:

- (1) A date set by the superintendent.
- (2) The date funding becomes available by grant through the criminal justice institute.

If the superintendent delays implementation of section 10(b)(2) **or 10(b)(3)** of this chapter or terminates a delay under section 10(b)(2) **or 10(b)(3)** of this chapter in any county, the superintendent shall notify the county sheriff in writing of the superintendent's action.

SECTION 10. IC 11-8-2-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 12. The department shall do the following:**

(1) Maintain the Indiana sex offender registry established under IC 36-2-13-5.5.

(2) Prescribe and approve a format for sex offender registration as required by IC 11-8-8.

(3) Provide:

- (A) judges;**
- (B) law enforcement officials;**
- (C) prosecuting attorneys;**
- (D) parole officers;**
- (E) probation officers; and**
- (F) community corrections officials;**

with information and training concerning the requirements of IC 11-8-8 and the use of the Indiana sex offender registry.

(4) Upon request of a neighborhood association:

- (A) transmit to the neighborhood association information concerning sex offenders who reside near the location of**

1 **the neighborhood association; or**

2 **(B) provide instructional materials concerning the use of**
 3 **the Indiana sex offender registry to the neighborhood**
 4 **association.**

5 SECTION 11. IC 11-8-2-13 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2006]: **Sec. 13. (a) The Indiana sex offender registry**
 8 **established under IC 36-2-13-5.5 and maintained by the**
 9 **department under section 12 of this chapter must include the**
 10 **names of each offender who is or has been required to register**
 11 **under IC 11-8-8.**

12 **(b) The department shall do the following:**

13 **(1) Ensure that the Indiana sex offender registry is updated at**
 14 **least once per day with information provided by a local law**
 15 **enforcement authority (as defined in IC 11-8-8-2).**

16 **(2) Publish the Indiana sex offender registry on the Internet**
 17 **through the computer gateway administered by the office of**
 18 **technology established by IC 4-13.1-2-1, and ensure that the**
 19 **Indiana sex offender registry displays the following or similar**
 20 **words:**

21 **"Based on information submitted to law enforcement, a**
 22 **person whose name appears in this registry has been**
 23 **convicted of a sex offense or has been adjudicated a**
 24 **delinquent child for an act that would be a sex offense if**
 25 **committed by an adult."**

26 SECTION 12. IC 11-8-5-2 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2. (a) The department**
 28 **may, under IC 4-22-2, classify as confidential the following personal**
 29 **information maintained on a person who has been committed to the**
 30 **department or who has received correctional services from the**
 31 **department:**

32 **(1) Medical, psychiatric, or psychological data or opinion which**
 33 **might adversely affect that person's emotional well-being.**

34 **(2) Information relating to a pending investigation of alleged**
 35 **criminal activity or other misconduct.**

36 **(3) Information which, if disclosed, might result in physical harm**
 37 **to that person or other persons.**

1 (4) Sources of information obtained only upon a promise of
2 confidentiality.

3 (5) Information required by law or promulgated rule to be
4 maintained as confidential.

5 (b) The department may deny the person about whom the
6 information pertains and other persons access to information classified
7 as confidential under subsection (a). However, confidential information
8 shall be disclosed:

9 (1) upon the order of a court;

10 (2) to employees of the department who need the information in
11 the performance of their lawful duties;

12 (3) to other agencies in accord with IC 4-1-6-2(m) and
13 IC 4-1-6-8.5;

14 (4) to the governor or the governor's designee;

15 (5) for research purposes in accord with IC 4-1-6-8.6(b);

16 (6) to the department of correction ombudsman bureau in accord
17 with IC 11-11-1.5; or

18 (7) if the commissioner determines there exists a compelling
19 public interest as defined in IC 4-1-6-1, for disclosure which
20 overrides the interest to be served by nondisclosure.

21 (c) The department shall disclose information classified as
22 confidential under subsection (a)(1) to a physician, psychiatrist, or
23 psychologist designated in writing by the person about whom the
24 information pertains.

25 **(d) The department may disclose confidential information to the**
26 **following:**

27 **(1) A provider of sex offender management, treatment, or**
28 **programming.**

29 **(2) A provider of mental health services.**

30 **(3) Any other service provider working with the department**
31 **to assist in the successful return of an offender to the**
32 **community following the offender's release from**
33 **incarceration.**

34 **(e) This subsection does not prohibit the department from**
35 **sharing information available on the Indiana sex offender registry**
36 **with another person.**

37 SECTION 13. IC 11-8-8 IS ADDED TO THE INDIANA CODE

1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2006]:

3 **Chapter 8. Sex Offender Registration**

4 **Sec. 1. As used in this chapter, "correctional facility" has the**
5 **meaning set forth in IC 4-13.5-1-1.**

6 **Sec. 2. As used in this chapter, "local law enforcement**
7 **authority" means the:**

- 8 (1) chief of police of a consolidated city; or
9 (2) sheriff of a county that does not contain a consolidated
10 city.

11 **Sec. 3. As used in this chapter, "principal residence" means the**
12 **residence where a sex offender spends the most time. The term**
13 **includes a residence owned or leased by another person if the sex**
14 **offender:**

- 15 (1) does not own or lease a residence; or
16 (2) spends more time at the residence owned or leased by the
17 other person than at the residence owned or leased by the sex
18 offender.

19 **Sec. 4. As used in this chapter, "register" means to provide a**
20 **local law enforcement authority with the information required**
21 **under section 8 of this chapter.**

22 **Sec. 5. (a) As used in this chapter, "sex offender" means a**
23 **person convicted of any of the following offenses:**

- 24 (1) Rape (IC 35-42-4-1).
25 (2) Criminal deviate conduct (IC 35-42-4-2).
26 (3) Child molesting (IC 35-42-4-3).
27 (4) Child exploitation (IC 35-42-4-4(b)).
28 (5) Vicarious sexual gratification (IC 35-42-4-5).
29 (6) Child solicitation (IC 35-42-4-6).
30 (7) Child seduction (IC 35-42-4-7).
31 (8) Sexual misconduct with a minor as a Class A, Class B, or
32 Class C felony (IC 35-42-4-9).
33 (9) Incest (IC 35-46-1-3).
34 (10) Sexual battery (IC 35-42-4-8).
35 (11) Kidnapping (IC 35-42-3-2), if the victim is less than
36 eighteen (18) years of age.
37 (12) Criminal confinement (IC 35-42-3-3), if the victim is less

1 than eighteen (18) years of age.

2 (13) Possession of child pornography (IC 35-42-4-4(c)), if the
3 person has a prior unrelated conviction for possession of child
4 pornography (IC 35-42-4-4(c)).

5 (14) An attempt or conspiracy to commit a crime listed in
6 subdivisions (1) through (13).

7 (15) A crime under the laws of another jurisdiction, including
8 a military court, that is substantially equivalent to any of the
9 offenses listed in subdivisions (1) through (14).

10 (b) The term includes:

11 (1) a person who is required to register as a sex offender in
12 any jurisdiction; and

13 (2) a child who has committed a delinquent act and who:

14 (A) is at least fourteen (14) years of age;

15 (B) is on probation, is on parole, is discharged from a
16 facility by the department of correction, is discharged from
17 a secure private facility (as defined in IC 31-9-2-115), or is
18 discharged from a juvenile detention facility as a result of
19 an adjudication as a delinquent child for an act that would
20 be an offense described in subsection (a) if committed by
21 an adult; and

22 (C) is found by a court by clear and convincing evidence to
23 be likely to repeat an act that would be an offense
24 described in subsection (a) if committed by an adult.

25 Sec. 6. As used in this chapter, "sexually violent predator" has
26 the meaning set forth in IC 35-38-1-7.5.

27 Sec. 7. (a) Subject to section 19 of this chapter, the following
28 persons must register under this chapter:

29 (1) A sex offender who resides in Indiana. A sex offender
30 resides in Indiana if either of the following applies:

31 (A) The sex offender spends or intends to spend at least
32 seven (7) days (including part of a day) in Indiana during
33 a one hundred eighty (180) day period.

34 (B) The sex offender owns real property in Indiana and
35 returns to Indiana at any time.

36 (2) A sex offender who works or carries on a vocation or
37 intends to work or carry on a vocation full-time or part-time

1 **for a period:**

2 **(A) exceeding fourteen (14) consecutive days; or**

3 **(B) for a total period exceeding thirty (30) days;**

4 **during any calendar year in Indiana, whether the sex offender**
5 **is financially compensated, volunteered, or is acting for the**
6 **purpose of government or educational benefit.**

7 **(3) A sex offender who is enrolled or intends to be enrolled on**
8 **a full-time or part-time basis in any public or private**
9 **educational institution, including any secondary school, trade,**
10 **or professional institution, or institution of higher education**
11 **in Indiana.**

12 **(b) Except as provided in subsection (e), a sex offender who**
13 **resides in Indiana shall register with the local law enforcement**
14 **authority in the county where the sex offender resides. If a sex**
15 **offender resides in more than one (1) county, the sex offender shall**
16 **register with the local law enforcement authority of each county in**
17 **which the sex offender resides. If the sex offender is also required**
18 **to register under subsection (a)(2) or (a)(3), the sex offender shall**
19 **also register with the local law enforcement authority in the county**
20 **in which the offender is required to register under those provisions.**

21 **(c) A sex offender described in subsection (a)(2) shall register**
22 **with the local law enforcement authority of the county where the**
23 **sex offender is or intends to be employed or carry on a vocation. If**
24 **a sex offender is or intends to be employed or carry on a vocation**
25 **in more than one (1) county, the sex offender shall register with the**
26 **local law enforcement authority of each county. If the sex offender**
27 **is also required to register under subsection (a)(1) or (a)(3), the sex**
28 **offender shall also register with the local law enforcement**
29 **authority in the county in which the offender is required to register**
30 **under those provisions.**

31 **(d) A sex offender described in subsection (a)(3) shall register**
32 **with the local law enforcement authority of the county where the**
33 **sex offender is enrolled or intends to be enrolled as a student. If the**
34 **sex offender is also required to register under subsection (a)(1) or**
35 **(a)(2), the sex offender shall also register with the local law**
36 **enforcement authority in the county in which the offender is**
37 **required to register under those provisions.**

1 (e) A sex offender described in subsection (a)(1)(B) shall register
 2 with the local law enforcement authority in the county in which the
 3 real property is located. If the sex offender is also required to
 4 register under subsection (a)(1), (a)(2), or (a)(3), the sex offender
 5 shall also register with the local law enforcement authority in the
 6 county in which the offender is required to register under those
 7 provisions.

8 (f) A sex offender committed to the department shall register
 9 with the department before the sex offender is released from
 10 incarceration. The department shall forward the sex offender's
 11 registration information to the local law enforcement authority of
 12 every county in which the sex offender is required to register.

13 (g) This subsection does not apply to a sex offender who is a
 14 sexually violent predator. A sex offender not committed to the
 15 department shall register not more than seven (7) days after the
 16 sex offender:

- 17 (1) is released from a penal facility (as defined in
- 18 IC 35-41-1-21);
- 19 (2) is released from a secure private facility (as defined in
- 20 IC 31-9-2-115);
- 21 (3) is released from a juvenile detention facility;
- 22 (4) is transferred to a community transition program;
- 23 (5) is placed on parole;
- 24 (6) is placed on probation;
- 25 (7) is placed on home detention; or
- 26 (8) arrives at the place where the sex offender is required to
- 27 register under subsection (b), (c), or (d);

28 whichever occurs first. A sex offender required to register in more
 29 than one (1) county under subsection (b), (c), (d), or (e) shall
 30 register in each appropriate county not more than seventy-two (72)
 31 hours after the sex offender's arrival in that county or acquisition
 32 of real estate in that county.

33 (h) This subsection applies to a sex offender who is a sexually
 34 violent predator. A sex offender who is a sexually violent predator
 35 shall register not more than seventy-two (72) hours after the sex
 36 offender:

- 37 (1) is released from a penal facility (as defined in

1 **IC 35-41-1-21);**

2 **(2) is released from a secure private facility (as defined in**
3 **IC 31-9-2-115);**

4 **(3) is released from a juvenile detention facility;**

5 **(4) is transferred to a community transition program;**

6 **(5) is placed on parole;**

7 **(6) is placed on probation;**

8 **(7) is placed on home detention; or**

9 **(8) arrives at the place where the sexually violent predator is**
10 **required to register under subsection (b), (c), or (d);**

11 **whichever occurs first. A sex offender who is a sexually violent**
12 **predator required to register in more than one (1) county under**
13 **subsection (b), (c), (d), or (e) shall register in each appropriate**
14 **county not more than seventy-two (72) hours after the offender's**
15 **arrival in that county or acquisition of real estate in that county.**

16 **(i) The local law enforcement authority with whom a sex**
17 **offender registers under this section shall make and publish a**
18 **photograph of the sex offender on the Indiana sex offender registry**
19 **web site established under IC 36-2-13-5.5. The local law**
20 **enforcement authority shall make a photograph of a sex offender**
21 **that complies with the requirements of IC 36-2-13-5.5 at least once**
22 **per year. The sheriff of a county containing a consolidated city**
23 **shall provide the police chief of a consolidated city with all**
24 **photographic and computer equipment necessary to enable the**
25 **police chief of the consolidated city to transmit sex offender**
26 **photographs (and other identifying information required by**
27 **IC 36-2-13-5.5) to the Indiana sex offender registry web site**
28 **established under IC 36-2-13-5.5. In addition, the sheriff of a**
29 **county containing a consolidated city shall provide all funding for**
30 **the county's financial obligation for the establishment and**
31 **maintenance of the Indiana sex offender registry web site**
32 **established under IC 36-2-13-5.5.**

33 **(j) When a sex offender registers, the local law enforcement**
34 **authority shall:**

35 **(1) immediately update the Indiana sex offender registry web**
36 **site established under IC 36-2-13-5.5; and**

37 **(2) notify every law enforcement agency having jurisdiction**

1 in the county where the sex offender resides.

2 The local law enforcement authority shall provide the department
3 and a law enforcement agency described in subdivision (2) with the
4 information provided by the sex offender during registration.

5 Sec. 8. The registration required under this chapter must
6 include the following information:

7 (1) The sex offender's full name, alias, any name by which the
8 sex offender was previously known, date of birth, sex, race,
9 height, weight, hair color, eye color, any scars, marks, or
10 tattoos, Social Security number, driver's license number or
11 state identification number, principal residence address, and
12 mailing address, if different from the sex offender's principal
13 residence address.

14 (2) A description of the offense for which the sex offender was
15 convicted, the date of conviction, the county of the conviction,
16 the cause number of the conviction, and the sentence imposed,
17 if applicable.

18 (3) If the person is required to register under section 7(a)(2)
19 or 7(a)(3) of this chapter, the name and address of each of the
20 sex offender's employers in Indiana, the name and address of
21 each campus or location where the sex offender is enrolled in
22 school in Indiana, and the address where the sex offender
23 stays or intends to stay while in Indiana.

24 (4) A recent photograph of the sex offender.

25 (5) If the sex offender is a sexually violent predator, that the
26 sex offender is a sexually violent predator.

27 (6) If the sex offender is required to register for life, that the
28 sex offender is required to register for life.

29 (7) Any other information required by the department.

30 Sec. 9. (a) Not more than seven (7) days before an Indiana sex
31 offender who is required to register under this chapter is scheduled
32 to be released from a secure private facility (as defined in
33 IC 31-9-2-115), or released from a juvenile detention facility, an
34 official of the facility shall do the following:

35 (1) Orally inform the sex offender of the sex offender's duty to
36 register under this chapter and require the sex offender to
37 sign a written statement that the sex offender was orally

1 informed or, if the sex offender refuses to sign the statement,
2 certify that the sex offender was orally informed of the duty
3 to register.

4 (2) Deliver a form advising the sex offender of the sex
5 offender's duty to register under this chapter and require the
6 sex offender to sign a written statement that the sex offender
7 received the written notice or, if the sex offender refuses to
8 sign the statement, certify that the sex offender was given the
9 written notice of the duty to register.

10 (3) Obtain the address where the sex offender expects to
11 reside after the sex offender's release.

12 (4) Transmit to the local law enforcement authority in the
13 county where the sex offender expects to reside of the sex
14 offender's name, date of release or transfer, new address, and
15 the offense or delinquent act committed by the sex offender.

16 (b) Not more than seventy-two (72) hours after a sex offender
17 who is required to register under this chapter is released or
18 transferred as described in subsection (a), an official of the facility
19 shall transmit to the state police the following:

20 (1) The sex offender's fingerprints, photograph, and
21 identification factors.

22 (2) The address where the sex offender expects to reside after
23 the sex offender's release.

24 (3) The complete criminal history data (as defined in
25 IC 10-13-3-5) or, if the sex offender committed a delinquent
26 act, juvenile history data (as defined in IC 10-13-4-4) of the
27 sex offender.

28 (4) Information regarding the sex offender's past treatment
29 for mental disorders.

30 (5) Information as to whether the sex offender has been
31 determined to be a sexually violent predator.

32 (c) This subsection applies if a sex offender is placed on
33 probation or in a community corrections program without
34 confining the sex offender in a penal facility. The probation office
35 serving the court in which the sex offender is sentenced shall
36 perform the duties required under subsections (a) and (b).

37 Sec. 10. Notwithstanding any other law, upon receiving a sex

1 offender's fingerprints from a correctional facility, the state police
2 shall immediately send the fingerprints to the Federal Bureau of
3 Investigation.

4 Sec. 11. (a) If a sex offender who is required to register under
5 this chapter changes:

6 (1) principal residence address; or

7 (2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the
8 place where the sex offender stays in Indiana;

9 the sex offender shall register not more than seventy two (72) hours
10 after the address change with the local law enforcement authority
11 with whom the sex offender last registered.

12 (b) If the sex offender moves to a new county in Indiana, the
13 local law enforcement authority referred to in subsection (a) shall
14 inform the local law enforcement authority in the new county in
15 Indiana of the sex offender's residence and forward all relevant
16 registration information concerning the sex offender to the local
17 law enforcement authority in the new county. The local law
18 enforcement authority receiving notice under this subsection shall
19 verify the address of the sex offender under section 13 of this
20 chapter not more than seven (7) days after receiving the notice.

21 (c) If a sex offender who is required to register under section
22 7(a)(2) or 7(a)(3) of this chapter changes the sex offender's
23 principal place of employment, principal place of vocation, or
24 campus or location where the sex offender is enrolled in school, the
25 sex offender shall register not more than seventy two (72) hours
26 after the change with the local law enforcement authority with
27 whom the sex offender last registered.

28 (d) If a sex offender moves the sex offender's place of
29 employment, vocation, or enrollment to a new county in Indiana,
30 the local law enforcement authority referred to in subsection (c)
31 shall inform the local law enforcement authority in the new county
32 of the sex offender's new principal place of employment, vocation,
33 or enrollment by forwarding relevant registration information to
34 the local law enforcement authority in the new county.

35 (e) If a sex offender moves the sex offender's residence, place of
36 employment, or enrollment to a new state, the local law
37 enforcement authority shall inform the state police in the new state

1 of the sex offender's new place of residence, employment, or
2 enrollment.

3 (f) A local law enforcement authority shall make registration
4 information, including information concerning the duty to register
5 and the penalty for failing to register, available to a sex offender.

6 (g) A local law enforcement authority who is notified of a change
7 under subsection (a) or (c) shall immediately update the Indiana
8 sex offender registry web site established under IC 36-2-13-5.5.

9 Sec. 12. (a) As used in this section, "temporary residence"
10 means a residence:

11 (1) that is established to provide transitional housing for a
12 person without another residence; and

13 (2) in which a person is not typically permitted to reside for
14 more than thirty (30) days in a sixty (60) day period.

15 (b) This section applies only to a sex offender who resides in a
16 temporary residence. In addition to the other requirements of this
17 chapter, a sex offender who resides in a temporary residence shall
18 register in person with the local law enforcement authority in
19 which the temporary residence is located:

20 (1) not more than seventy-two (72) hours after the sex
21 offender moves into the temporary residence; and

22 (2) during the period in which the sex offender resides in a
23 temporary residence, at least once every seven (7) days
24 following the sex offender's initial registration in subdivision
25 (1).

26 (c) A sex offender's obligation to register in person once every
27 seven (7) days terminates when the sex offender no longer resides
28 in the temporary residence. However, all other requirements
29 imposed on a sex offender by this chapter continue in force,
30 including the requirement that a sex offender register the sex
31 offender's new address with the local law enforcement authority.

32 Sec. 13. (a) To verify a sex offender's current residence, the local
33 law enforcement authority shall do the following:

34 (1) Mail a reply form to each sex offender in the county at the
35 sex offender's listed address at least one (1) time per year,
36 beginning seven (7) days after the local law enforcement
37 authority receives a notice under section 11 or 20 of this

- 1 chapter or the date the sex offender is:
- 2 (A) released from a penal facility (as defined in
- 3 IC 35-41-1-21), a secure private facility (as defined in
- 4 IC 31-9-2-115), or a juvenile detention facility;
- 5 (B) placed in a community transition program;
- 6 (C) placed in a community corrections program;
- 7 (D) placed on parole; or
- 8 (E) placed on probation;
- 9 whichever occurs first.
- 10 (2) Mail a reply form to each sex offender who is designated
- 11 a sexually violent predator under IC 35-38-1-7.5 at least once
- 12 every ninety (90) days, beginning seven (7) days after the local
- 13 law enforcement authority receives a notice under section 11
- 14 or 20 of this chapter or the date the sex offender is:
- 15 (A) released from a penal facility (as defined in
- 16 IC 35-41-1-21), a secure private facility (as defined in
- 17 IC 31-9-2-115), or a juvenile detention facility;
- 18 (B) placed in a community transition program;
- 19 (C) placed in a community corrections program;
- 20 (D) placed on parole; or
- 21 (E) placed on probation;
- 22 whichever occurs first.
- 23 (3) Personally visit each sex offender in the county at the sex
- 24 offender's listed address at least one (1) time per year,
- 25 beginning seven (7) days after the local law enforcement
- 26 authority receives a notice under section 7 of this chapter or
- 27 the date the sex offender is:
- 28 (A) released from a penal facility (as defined in
- 29 IC 35-41-1-21), a secure private facility (as defined in
- 30 IC 31-9-2-115), or a juvenile detention facility;
- 31 (B) placed in a community transition program;
- 32 (C) placed in a community corrections program;
- 33 (D) placed on parole; or
- 34 (E) placed on probation;
- 35 whichever occurs first.
- 36 (4) Personally visit each sex offender who is designated a
- 37 sexually violent predator under IC 35-38-1-7.5 at least once

every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(b) If a sex offender fails to return a signed reply form either by mail or in person, not later than fourteen (14) days after mailing, or appears not to reside at the listed address, the local law enforcement authority shall immediately notify the department and the prosecuting attorney.

Sec. 14. At least once per calendar year, a sex offender who is required to register under this chapter shall:

- (1) report in person to the local law enforcement authority;
- (2) register; and
- (3) be photographed by the local law enforcement authority;

in each location where the offender is required to register.

Sec. 15. (a) A sex offender who is a resident of Indiana shall obtain and keep in the sex offender's possession:

- (1) a valid Indiana driver's license; or
- (2) a valid Indiana identification card (as described in IC 9-24-16).

(b) A sex offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex offender's possession:

- (1) a valid driver's license issued by the state in which the sex offender resides; or
- (2) a valid state issued identification card issued by the state in which the sex offender resides.

(c) A person who knowingly or intentionally violates this section commits failure of a sex offender to possess identification, a Class A misdemeanor. However, the offense is a Class D felony if the

1 **person:**

2 **(1) is a sexually violent predator; or**

3 **(2) has a prior unrelated conviction:**

4 **(A) under this section; or**

5 **(B) based on the person's failure to comply with any**
 6 **requirement imposed on an offender under this chapter.**

7 **(d) It is a defense to a prosecution under this section that:**

8 **(1) the person has been unable to obtain a valid driver's**
 9 **license or state issued identification card because less than**
 10 **thirty (30) days have passed since the person's release from**
 11 **incarceration; or**

12 **(2) the person possesses a driver's license or state issued**
 13 **identification card that expired not more than thirty (30) days**
 14 **before the date the person violated subsection (a) or (b).**

15 **Sec. 16. (a) A sex offender who is required to register under this**
 16 **chapter may not petition for a change of name under IC 34-28-2.**

17 **(b) If a sex offender who is required to register under this**
 18 **chapter changes the sex offender's name due to marriage, the sex**
 19 **offender must register with the local law enforcement authority not**
 20 **more than seven (7) days after the name change.**

21 **Sec. 17. A sex offender who knowingly or intentionally:**

22 **(1) fails to register when required to register under this**
 23 **chapter;**

24 **(2) fails to register in every location where the sex offender is**
 25 **required to register under this chapter;**

26 **(3) makes a material misstatement or omission while**
 27 **registering as a sex offender under this chapter; or**

28 **(4) fails to register in person and be photographed at least one**
 29 **(1) time per year as required under this chapter;**

30 **commits a Class D felony. However, the offense is a Class C felony**
 31 **if the sex offender has a prior unrelated conviction for an offense**
 32 **under this section or based on the person's failure to comply with**
 33 **any requirement imposed on a sex offender under this chapter.**

34 **Sec. 18. (a) A sexually violent predator who will be absent from**
 35 **the sexually violent predator's principal residence for more than**
 36 **seventy-two (72) hours shall inform the local law enforcement**
 37 **authority, in person or in writing, of the following:**

1 (1) That the sexually violent predator will be absent from the
2 sexually violent predator's principal residence for more than
3 seventy-two (72) hours.

4 (2) The location where the sexually violent predator will be
5 located during the absence from the sexually violent
6 predator's principal residence.

7 (3) The length of time the sexually violent predator will be
8 absent from the sexually violent predator's principal
9 residence.

10 (b) A sexually violent predator who will spend more than
11 seventy-two (72) hours in a county in which the sexually violent
12 predator is not required to register shall inform the local law
13 enforcement authority in the county in which the sexually violent
14 predator is not required to register, in person or in writing, of the
15 following:

16 (1) That the sexually violent predator will spend more than
17 seventy-two (72) hours in the county.

18 (2) The location where the sexually violent predator will be
19 located while spending time in the county.

20 (3) The length of time the sexually violent predator will
21 remain in the county.

22 Upon request of the local law enforcement authority of the county
23 in which the sexually violent predator is not required to register,
24 the sexually violent predator shall provide the local law
25 enforcement authority with any additional information that will
26 assist the local law enforcement authority in determining the
27 sexually violent predator's whereabouts during the sexually violent
28 predator's stay in the county.

29 (c) A sexually violent predator who knowingly or intentionally
30 violates this section commits failure to notify, a Class A
31 misdemeanor. However, the offense is a Class D felony if the
32 person has a prior unrelated conviction under this section based on
33 the person's failure to comply with any requirement imposed on a
34 sex offender under this chapter.

35 Sec. 19. (a) Except as provided in subsections (b) and (c), a sex
36 offender is required to register under this chapter until the
37 expiration of ten (10) years after the date the sex offender:

1 (1) is released from a penal facility (as defined in
2 IC 35-41-1-21) or a secure juvenile detention facility of a state
3 or another jurisdiction;

4 (2) is placed in a community transition program;

5 (3) is placed in a community corrections program;

6 (4) is placed on parole; or

7 (5) is placed on probation;

8 whichever occurs last. The department shall ensure that an
9 offender who is no longer required to register as a sex offender is
10 notified that the obligation to register has expired.

11 (b) A sex offender who is a sexually violent predator is required
12 to register for life.

13 (c) A sex offender who is convicted of at least one (1) sex offense
14 that the sex offender committed:

15 (1) when the person was at least eighteen (18) years of age;
16 and

17 (2) against a victim who was less than twelve (12) years of age
18 at the time of the crime;

19 is required to register for life.

20 (d) A sex offender who is convicted of at least one (1) sex offense
21 in which the sex offender:

22 (1) proximately caused serious bodily injury or death to the
23 victim;

24 (2) used force or the threat of force against the victim or a
25 member of the victim's family; or

26 (3) rendered the victim unconscious or otherwise incapable of
27 giving voluntary consent;

28 is required to register for life.

29 (e) A sex offender who is convicted of at least two (2) unrelated
30 sex offenses is required to register for life.

31 **Sec. 20. (a) The governor may enter into a compact with one (1)**
32 **or more jurisdictions outside Indiana to exchange notifications**
33 **concerning the release, transfer, or change of address,**
34 **employment, vocation, or enrollment of a sex offender between**
35 **Indiana and the other jurisdiction or the other jurisdiction and**
36 **Indiana.**

37 (b) The compact must provide for the designation of a state

1 agency to coordinate the transfer of information.

2 (c) If the state agency receives information that a sex offender
3 has relocated to Indiana to reside, engage in employment or a
4 vocation, or enroll in school, the state agency shall inform in
5 writing the local law enforcement authority where the sex offender
6 is required to register in Indiana of:

7 (1) the sex offender's name, date of relocation, and new
8 address; and

9 (2) the sex offense or delinquent act committed by the sex
10 offender.

11 (d) The state agency shall determine, following a hearing:

12 (1) whether a person convicted of an offense in another
13 jurisdiction is required to register as a sex offender in
14 Indiana;

15 (2) whether an out of state sex offender is a sexually violent
16 predator; and

17 (3) the period in which an out of state sex offender who has
18 moved to Indiana will be required to register as a sex offender
19 in Indiana.

20 SECTION 14. IC 11-13-3-3 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A person
22 sentenced under IC 35-50 shall be released on parole or discharged from
23 the person's term of imprisonment under IC 35-50 without a parole
24 release hearing.

25 (b) A person sentenced for an offense under laws other than
26 IC 35-50 who is eligible for release on parole, or a person whose parole
27 is revoked and is eligible for reinstatement on parole under rules
28 adopted by the parole board shall, before the date of the person's parole
29 eligibility, be granted a parole release hearing to determine whether
30 parole will be granted or denied. The hearing shall be conducted by one
31 (1) or more of the parole board members. If one (1) or more of the
32 members conduct the hearing on behalf of the parole board, the final
33 decision shall be rendered by the full parole board based upon the
34 record of the proceeding and the hearing conductor's findings. Before
35 the hearing, the parole board shall order an investigation to include the
36 collection and consideration of:

37 (1) reports regarding the person's medical, psychological,

1 educational, vocational, employment, economic, and social
2 condition and history;

3 (2) official reports of the person's history of criminality;

4 (3) reports of earlier parole or probation experiences;

5 (4) reports concerning the person's present commitment that are
6 relevant to the parole release determination;

7 (5) any relevant information submitted by or on behalf of the
8 person being considered; and

9 (6) such other relevant information concerning the person as may
10 be reasonably available.

11 (c) Unless the victim has requested in writing not to be notified, the
12 department shall notify a victim of a felony (or the next of kin of the
13 victim if the felony resulted in the death of the victim) or any witness
14 involved in the prosecution of an offender imprisoned for the
15 commission of a felony when the offender is:

16 (1) to be discharged from imprisonment;

17 (2) to be released on parole under IC 35-50-6-1;

18 (3) to have a parole release hearing under this chapter;

19 (4) to have a parole violation hearing;

20 (5) an escaped committed offender; or

21 (6) to be released from departmental custody under any temporary
22 release program administered by the department, including the
23 following:

24 (A) Placement on minimum security assignment to a program
25 authorized by IC 11-10-1-3 or IC 35-38-3-6 and requiring
26 periodic reporting to a designated official, including a regulated
27 community assignment program.

28 (B) Assignment to a minimum security work release program.

29 (d) The department shall make the notification required under
30 subsection (c):

31 (1) at least forty (40) days before a discharge, release, or hearing
32 occurs; and

33 (2) not later than twenty-four (24) hours after the escape of a
34 committed offender.

35 The department shall supply the information to a victim (or a next of
36 kin of a victim in the appropriate case) and a witness at the address
37 supplied to the department by the victim (or next of kin) or witness. A

1 victim (or next of kin) is responsible for supplying the department with
 2 any change of address or telephone number of the victim (or next of
 3 kin).

4 (e) The probation officer conducting the presentence investigation
 5 shall inform the victim and witness described in subsection (c), at the
 6 time of the interview with the victim or witness, of the right of the
 7 victim or witness to receive notification from the department under
 8 subsection (c). The probation department for the sentencing court shall
 9 forward the most recent list of the addresses or telephone numbers, or
 10 both, of victims to the department of correction. The probation
 11 department shall supply the department with the information required
 12 by this section as soon as possible but not later than five (5) days from
 13 the receipt of the information from the victim. A victim (or next of kin)
 14 is responsible for supplying the department with the correct address and
 15 telephone number of the victim (or next of kin).

16 (f) Notwithstanding IC 11-8-5-2 and IC 4-1-6, an inmate may not
 17 have access to the name and address of a victim and a witness. Upon the
 18 filing of a motion by any person requesting or objecting to the release
 19 of victim information, witness information, or both that is retained by
 20 the department, the court shall review the information that is the subject
 21 of the motion in camera before ruling on the motion.

22 (g) The notice required under subsection (c) must specify whether
 23 the prisoner is being discharged, is being released on parole, **is being**
 24 **released on lifetime parole**, is having a parole release hearing, is
 25 having a parole violation hearing, or has escaped. The notice must
 26 contain the following information:

- 27 (1) The name of the prisoner.
- 28 (2) The date of the offense.
- 29 (3) The date of the conviction.
- 30 (4) The felony of which the prisoner was convicted.
- 31 (5) The sentence imposed.
- 32 (6) The amount of time served.
- 33 (7) The date and location of the interview (if applicable).

34 (h) The parole board shall adopt rules under IC 4-22-2 and make
 35 available to offenders the criteria considered in making parole release
 36 determinations. The criteria must include the:

- 37 (1) nature and circumstances of the crime for which the offender

1 is committed;

2 (2) offender's prior criminal record;

3 (3) offender's conduct and attitude during the commitment; and

4 (4) offender's parole plan.

5 (i) The hearing prescribed by this section may be conducted in an
6 informal manner without regard to rules of evidence. In connection with
7 the hearing, however:

8 (1) reasonable, advance written notice, including the date, time,
9 and place of the hearing shall be provided to the person being
10 considered;

11 (2) the person being considered shall be given access, in accord
12 with IC 11-8-5, to records and reports considered by the parole
13 board in making its parole release decision;

14 (3) the person being considered may appear, speak in the person's
15 own behalf, and present documentary evidence;

16 (4) irrelevant, immaterial, or unduly repetitious evidence shall be
17 excluded; and

18 (5) a record of the proceeding, to include the results of the parole
19 board's investigation, notice of the hearing, and evidence adduced
20 at the hearing, shall be made and preserved.

21 (j) If parole is denied, the parole board shall give the person written
22 notice of the denial and the reasons for the denial. The parole board may
23 not parole a person if it determines that there is substantial reason to
24 believe that the person:

25 (1) will engage in further specified criminal activity; or

26 (2) will not conform to appropriate specified conditions of parole.

27 (k) If parole is denied, the parole board shall conduct another parole
28 release hearing not earlier than five (5) years after the date of the
29 hearing at which parole was denied. However, the board may conduct
30 a hearing earlier than five (5) years after denial of parole if the board:

31 (1) finds that special circumstances exist for the holding of a
32 hearing; and

33 (2) gives reasonable notice to the person being considered for
34 parole.

35 (l) The parole board may parole a person who is outside Indiana on
36 a record made by the appropriate authorities of the jurisdiction in which
37 that person is imprisoned.

1 (m) If the board is considering the release on parole of an offender
2 who is serving a sentence of life in prison, a determinate term of
3 imprisonment of at least ten (10) years, or an indeterminate term of
4 imprisonment with a minimum term of at least ten (10) years, in
5 addition to the investigation required under subsection (b), the board
6 shall order and consider a community investigation, which must include
7 an investigation and report that substantially reflects the attitudes and
8 opinions of:

9 (1) the community in which the crime committed by the offender
10 occurred;

11 (2) law enforcement officers who have jurisdiction in the
12 community in which the crime occurred;

13 (3) the victim of the crime committed by the offender, or if the
14 victim is deceased or incompetent for any reason, the victim's
15 relatives or friends; and

16 (4) friends or relatives of the offender.

17 If the board reconsiders for release on parole an offender who was
18 previously released on parole and whose parole was revoked under
19 section 10 of this chapter, the board may use a community investigation
20 prepared for an earlier parole hearing to comply with this subsection.
21 However, the board shall accept and consider any supplements or
22 amendments to any previous statements from the victim or the victim's
23 relatives or friends.

24 (n) As used in this section, "victim" means a person who has
25 suffered direct harm as a result of a violent crime (as defined in
26 IC 5-2-6.1-8).

27 SECTION 15. IC 11-13-3-4 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A condition to
29 remaining on parole is that the parolee not commit a crime during the
30 period of parole.

31 (b) The parole board may also adopt, under IC 4-22-2, additional
32 conditions to remaining on parole and require a parolee to satisfy one
33 (1) or more of these conditions. These conditions must be reasonably
34 related to the parolee's successful reintegration into the community and
35 not unduly restrictive of a fundamental right.

36 (c) If a person is released on parole the parolee shall be given a
37 written statement of the conditions of parole. Signed copies of this

1 statement shall be:

- 2 (1) retained by the parolee;
- 3 (2) forwarded to any person charged with the parolee's
- 4 supervision; and
- 5 (3) placed in the parolee's master file.

6 (d) The parole board may modify parole conditions if the parolee
7 receives notice of that action and had ten (10) days after receipt of the
8 notice to express the parolee's views on the proposed modification. This
9 subsection does not apply to modification of parole conditions after a
10 revocation proceeding under section 10 of this chapter.

11 (e) As a condition of parole, the parole board may require the parolee
12 to reside in a particular parole area. In determining a parolee's residence
13 requirement, the parole board shall:

- 14 (1) consider:
 - 15 (A) the residence of the parolee prior to the parolee's
 - 16 incarceration; and
 - 17 (B) the parolee's place of employment; and
- 18 (2) assign the parolee to reside in the county where the parolee
19 resided prior to the parolee's incarceration unless assignment on
20 this basis would be detrimental to the parolee's successful
21 reintegration into the community.

22 (f) As a condition of parole, the parole board may require the parolee
23 to:

- 24 (1) periodically undergo a laboratory chemical test (as defined in
25 IC 14-15-8-1) or series of tests to detect and confirm the presence
26 of a controlled substance (as defined in IC 35-48-1-9); and
- 27 (2) have the results of any test under this subsection reported to
28 the parole board by the laboratory.

29 The parolee is responsible for any charges resulting from a test required
30 under this subsection. However, a person's parole may not be revoked
31 on the basis of the person's inability to pay for a test under this
32 subsection.

33 (g) As a condition of parole, the parole board:

- 34 (1) may require a parolee who is a sex ~~and violent~~ offender (as
35 defined in ~~IC 5-2-12-4~~ **IC 11-8-8-5**) to:

- 36 (A) participate in a treatment program for sex offenders
- 37 approved by the parole board; and

- 1 (B) avoid contact with any person who is less than sixteen (16)
 2 years of age unless the parolee:
 3 (i) receives the parole board's approval; or
 4 (ii) successfully completes the treatment program referred to
 5 in clause (A); and
 6 (2) shall:
 7 (A) require a parolee who is ~~an~~ **a sex** offender (as defined in
 8 ~~IC 5-2-12-4)~~ **IC 11-8-8-5**) to register with a ~~sheriff (or the~~
 9 ~~police chief of a consolidated city)~~ **under IC 5-2-12-5; local**
 10 **law enforcement authority under IC 11-8-8;**
 11 (B) prohibit the **sex** offender from residing within one thousand
 12 (1,000) feet of school property (as defined in IC 35-41-1-24.7)
 13 for the period of parole, unless the **sex** offender obtains written
 14 approval from the parole board; ~~and~~
 15 (C) prohibit a parolee who is ~~an~~ **a sex** offender convicted of a
 16 sex offense (as defined in IC 35-38-2-2.5) from residing within
 17 one (1) mile of the victim of the **sex** offender's sex offense
 18 unless the **sex** offender obtains a waiver under IC 35-38-2-2.5;
 19 **and**
 20 **(D) prohibit a parolee from owning, operating, managing,**
 21 **being employed by, or volunteering at any attraction**
 22 **designed to be primarily enjoyed by children less than**
 23 **sixteen (16) years of age.**
 24 **The parole board may not grant a sexually violent predator (as**
 25 **defined in IC 35-38-1-7.5) a waiver under subdivision (2)(B) or**
 26 **(2)(C).** If the parole board allows the **sex** offender to reside within one
 27 thousand (1,000) feet of school property under subdivision (2)(B), the
 28 parole board shall notify each school within one thousand (1,000) feet
 29 of the **sex** offender's residence of the order.
 30 (h) The address of the victim of a parolee who is ~~an~~ **a sex** offender
 31 convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential,
 32 even if the **sex** offender obtains a waiver under IC 35-38-2-2.5.
 33 **(i) As a condition of parole, the parole board:**
 34 **(1) shall require a parolee who is a sexually violent predator**
 35 **under IC 35-38-1-7.5; and**
 36 **(2) may require a parolee who is a sex offender (as defined in**

1 **IC 11-8-8-5);**
 2 **to wear a monitoring device (as described in IC 35-38-2.5-3) that**
 3 **can transmit information twenty-four (24) hours each day**
 4 **regarding a person's precise location.**

5 **(j) As a condition of parole, the parole board may prohibit, in**
 6 **accordance with IC 35-38-2-2.6, a parolee who has been convicted**
 7 **of stalking from residing within one thousand (1,000) feet of the**
 8 **residence of the victim of the stalking for a period that does not**
 9 **exceed five (5) years.**

10 SECTION 16. IC 11-13-6-5.5 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) This section
 12 shall not be construed to limit ~~victim's~~ **victims'** rights granted by
 13 IC 35-40 or any other law.

14 (b) As used in this section, "sex offense" refers to a sex offense
 15 described in ~~IC 5-2-12-4(1)~~. **IC 11-8-8-5.**

16 (c) As used in this section, "victim" means a person who has suffered
 17 direct harm as a result of a delinquent act that would be a sex offense
 18 if the delinquent offender were an adult. The term includes a victim's
 19 representative appointed under IC 35-40-13.

20 (d) Unless a victim has requested in writing not to be notified, the
 21 department shall notify the victim involved in the adjudication of a
 22 delinquent offender committed to the department for a sex offense of
 23 the delinquent offender's:

- 24 (1) discharge from the department of correction;
- 25 (2) release from the department of correction under any temporary
- 26 release program administered by the department;
- 27 (3) release on parole;
- 28 (4) parole release hearing under this chapter;
- 29 (5) parole violation hearing under this chapter; or
- 30 (6) escape from commitment to the department of correction.

31 (e) The department shall make the notification required under
 32 subsection (d):

- 33 (1) at least forty (40) days before a discharge, release, or hearing
- 34 occurs; and
- 35 (2) not later than twenty-four (24) hours after the escape of a
- 36 delinquent offender from commitment to the department of
- 37 correction.

1 The department shall supply the information to a victim at the address
2 supplied to the department by the victim. A victim is responsible for
3 supplying the department with any change of address or telephone
4 number of the victim.

5 (f) The probation officer or caseworker preparing the
6 predispositional report under IC 31-37-17 shall inform the victim
7 before the predispositional report is prepared of the right of the victim
8 to receive notification from the department under subsection (d). The
9 probation department or county office of family and children shall
10 forward the most recent list of the addresses or telephone numbers, or
11 both, of victims to the department. The probation department or county
12 office of family and children shall supply the department with the
13 information required by this section as soon as possible but not later
14 than five (5) days after the receipt of the information. A victim is
15 responsible for supplying the department with the correct address and
16 telephone number of the victim.

17 (g) Notwithstanding IC 11-8-5-2 and IC 4-1-6, a delinquent offender
18 may not have access to the name and address of a victim. Upon the
19 filing of a motion by a person requesting or objecting to the release of
20 victim information or representative information, or both, that is
21 retained by the department, the court shall review in camera the
22 information that is the subject of the motion before ruling on the
23 motion.

24 (h) The notice required under subsection (d) must specify whether
25 the delinquent offender is being discharged, is being released under a
26 temporary release program administered by the department, is being
27 released on parole, is having a parole release hearing, is having a parole
28 violation hearing, or has escaped. The notice must contain the following
29 information:

- 30 (1) The name of the delinquent offender.
- 31 (2) The date of the delinquent act.
- 32 (3) The date of the adjudication as a delinquent offender.
- 33 (4) The delinquent act of which the delinquent offender was
34 adjudicated.
- 35 (5) The disposition imposed.
- 36 (6) The amount of time for which the delinquent offender was
37 committed to the department.

1 (7) The date and location of the interview (if applicable).

2 SECTION 17. IC 31-19-11-1, AS AMENDED BY P.L.129-2005,
3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2006]: Sec. 1. (a) Whenever the court has heard the evidence
5 and finds that:

6 (1) the adoption requested is in the best interest of the child;

7 (2) the petitioner or petitioners for adoption are of sufficient
8 ability to rear the child and furnish suitable support and education;

9 (3) the report of the investigation and recommendation under
10 IC 31-19-8-5 has been filed;

11 (4) the attorney or agency arranging an adoption has filed with the
12 court an affidavit prepared by the state department of health under
13 IC 31-19-5-16 indicating whether a man is entitled to notice of the
14 adoption because the man has registered with the putative father
15 registry in accordance with IC 31-19-5;

16 (5) proper notice arising under subdivision (4), if notice is
17 necessary, of the adoption has been given;

18 (6) the attorney or agency has filed with the court an affidavit
19 prepared by the state department of health under:

20 (A) IC 31-19-6 indicating whether a record of a paternity
21 determination; or

22 (B) IC 16-37-2-2(g) indicating whether a paternity affidavit
23 executed under IC 16-37-2-2.1;

24 has been filed in relation to the child;

25 (7) proper consent, if consent is necessary, to the adoption has
26 been given;

27 (8) the petitioner for adoption is not prohibited from adopting the
28 child as the result of an inappropriate criminal history described
29 in subsection (c) or (d); and

30 (9) the person, licensed child placing agency, or county office of
31 family and children that has placed the child for adoption has
32 provided the documents and other information required under
33 IC 31-19-17 to the prospective adoptive parents;

34 the court shall grant the petition for adoption and enter an adoption
35 decree.

36 (b) A court may not grant an adoption unless the department's
37 affidavit under IC 31-19-5-16 is filed with the court as provided under

1 subsection (a)(4).

2 (c) A conviction of a felony or a misdemeanor related to the health
3 and safety of a child by a petitioner for adoption is a permissible basis
4 for the court to deny the petition for adoption. In addition, the court may
5 not grant an adoption if a petitioner for adoption has been convicted of
6 any of the felonies described as follows:

- 7 (1) Murder (IC 35-42-1-1).
- 8 (2) Causing suicide (IC 35-42-1-2).
- 9 (3) Assisting suicide (IC 35-42-1-2.5).
- 10 (4) Voluntary manslaughter (IC 35-42-1-3).
- 11 (5) Reckless homicide (IC 35-42-1-5).
- 12 (6) Battery as a felony (IC 35-42-2-1).
- 13 (7) Aggravated battery (IC 35-42-2-1.5).
- 14 (8) Kidnapping (IC 35-42-3-2).
- 15 (9) Criminal confinement (IC 35-42-3-3).
- 16 (10) A felony sex offense under IC 35-42-4.
- 17 (11) Carjacking (IC 35-42-5-2).
- 18 (12) Arson (IC 35-43-1-1).
- 19 (13) Incest (IC 35-46-1-3).
- 20 (14) Neglect of a dependent (IC 35-46-1-4(a)(1) and
21 IC 35-46-1-4(a)(2)).
- 22 (15) Child selling (IC 35-46-1-4(d)).
- 23 (16) A felony involving a weapon under IC 35-47 or IC 35-47.5.
- 24 (17) A felony relating to controlled substances under IC 35-48-4.
- 25 (18) An offense relating to material or a performance that is
26 harmful to minors or obscene under IC 35-49-3.
- 27 (19) A felony that is substantially equivalent to a felony listed in
28 subdivisions (1) through (18) for which the conviction was entered
29 in another state.

30 However, the court is not prohibited from granting an adoption based
31 upon a felony conviction under subdivision (6), (11), (12), (16), or (17),
32 or its equivalent under subdivision (19), if the offense was not
33 committed within the immediately preceding five (5) year period.

34 (d) A court may not grant an adoption if the petitioner is ~~an~~ a sex
35 offender (as defined in ~~IC 5-2-12-4~~). **IC 11-8-8-5).**

36 SECTION 18. IC 31-37-19-5 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) This section

1 applies if a child is a delinquent child under IC 31-37-1.

2 (b) The juvenile court may, in addition to an order under section 6 of
3 this chapter, enter at least one (1) of the following dispositional decrees:

4 (1) Order supervision of the child by:

5 (A) the probation department; or

6 (B) the county office of family and children.

7 As a condition of probation under this subdivision, the juvenile
8 court shall after a determination under ~~IC 5-2-12-4~~ **IC 11-8-8-5**
9 require a child who is adjudicated a delinquent child for an act that
10 would be an offense described in ~~IC 5-2-12-4~~ **IC 11-8-8-5** if
11 committed by an adult to register with the ~~sheriff (or the police~~
12 ~~chief of a consolidated city)~~ **local law enforcement authority**
13 under ~~IC 5-2-12~~ **IC 11-8-8**.

14 (2) Order the child to receive outpatient treatment:

15 (A) at a social service agency or a psychological, a psychiatric,
16 a medical, or an educational facility; or

17 (B) from an individual practitioner.

18 (3) Order the child to surrender the child's driver's license to the
19 court for a specified period of time.

20 (4) Order the child to pay restitution if the victim provides
21 reasonable evidence of the victim's loss, which the child may
22 challenge at the dispositional hearing.

23 (5) Partially or completely emancipate the child under section 27
24 of this chapter.

25 (6) Order the child to attend an alcohol and drug services program
26 established under IC 12-23-14.

27 (7) Order the child to perform community restitution or service for
28 a specified period of time.

29 (8) Order wardship of the child as provided in section 9 of this
30 chapter.

31 SECTION 19. IC 31-37-19-9 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) This section
33 applies if a child is a delinquent child under IC 31-37-1.

34 (b) After a juvenile court makes a determination under ~~IC 5-2-12-4~~,
35 **IC 11-8-8-5**, the juvenile court may, in addition to an order under
36 section 6 of this chapter, and if the child:

37 (1) is at least thirteen (13) years of age and less than sixteen (16)

- 1 years of age; and
- 2 (2) committed an act that, if committed by an adult, would be:
- 3 (A) murder (IC 35-42-1-1);
- 4 (B) kidnapping (IC 35-42-3-2);
- 5 (C) rape (IC 35-42-4-1);
- 6 (D) criminal deviate conduct (IC 35-42-4-2); or
- 7 (E) robbery (IC 35-42-5-1) if the robbery was committed while
- 8 armed with a deadly weapon or if the robbery resulted in bodily
- 9 injury or serious bodily injury;
- 10 order wardship of the child to the department of correction for a fixed
- 11 period that is not longer than the date the child becomes eighteen (18)
- 12 years of age, subject to IC 11-10-2-10.
- 13 (c) Notwithstanding IC 11-10-2-5, the department of correction may
- 14 not reduce the period ordered under this section (or
- 15 IC 31-6-4-15.9(b)(8) before its repeal).
- 16 SECTION 20. IC 35-38-1-7.5 IS AMENDED TO READ AS
- 17 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.5. (a) As used in this
- 18 section, "sexually violent predator" ~~has the meaning set forth in~~
- 19 ~~IC 5-2-12-4.5.~~ **means a person who suffers from a mental**
- 20 **abnormality or personality disorder that makes the individual**
- 21 **likely to repeatedly engage in any of the offenses described in**
- 22 **IC 11-8-8-4. The term includes a person convicted in another**
- 23 **jurisdiction who is identified as a sexually violent predator under**
- 24 **IC 11-8-8-20.**
- 25 (b) A person who:
- 26 (1) commits an offense described in:
- 27 (A) IC 35-42-4-1;
- 28 (B) IC 35-42-4-2;
- 29 (C) IC 35-42-4-3;
- 30 (D) IC 35-42-4-5(a)(1);
- 31 (E) IC 35-42-4-5(a)(2);
- 32 (F) IC 35-42-4-5(a)(3); or
- 33 (G) IC 35-42-4-5(b)(2); or
- 34 (2) commits an offense described in IC 11-8-8-4 while having
- 35 a previous unrelated conviction for an offense described in
- 36 IC 11-8-8-4 for which the person is required to register as an
- 37 offender under IC 11-8-8;

1 **is a sexually violent predator.**

2 ~~(b)~~ **(c)** This section applies whenever a court sentences a person for
 3 a sex offense listed in ~~IC 5-2-12-4(a)(1) through IC 5-2-12-4(a)(10)~~
 4 **IC 11-8-8-4** for which the person is required to register with the ~~sheriff~~
 5 ~~(or the police chief of a consolidated city)~~ **local law enforcement**
 6 **authority** under ~~IC 5-2-12-5~~ **IC 11-8-8**.

7 ~~(c)~~ **(d)** At the sentencing hearing, the court shall determine whether
 8 the person is a sexually violent predator ~~Before making a determination~~
 9 ~~under this section; the court shall~~ **under subsection (b).**

10 **(e) If the court does not find the person to be a sexually violent**
 11 **predator under subsection (b), the court shall** consult with a board
 12 of experts consisting of two (2) board certified psychologists or
 13 psychiatrists who have expertise in criminal behavioral disorders **to**
 14 **determine if the person is a sexually violent predator under**
 15 **subsection (a).**

16 ~~(d)~~ **(f)** If the court finds that a person is a sexually violent predator:

17 (1) the person is required to register with the ~~sheriff (or the police~~
 18 ~~chief of a consolidated city)~~ **local law enforcement authority** as
 19 provided in ~~IC 5-2-12-13(b)~~; **IC 11-8-8**; and

20 (2) the court shall send notice of its finding under this subsection
 21 to the ~~criminal justice institute;~~ **department of correction.**

22 ~~(e)~~ **(g)** A person who is found by a court to be a sexually violent
 23 predator under subsection ~~(e)~~ **(e)** may petition the court to consider
 24 whether the person is no longer a sexually violent predator. The person
 25 may file a petition under this subsection not earlier than ten (10) years
 26 after the sentencing court makes its finding under subsection ~~(e)~~ **(e)**. A
 27 person may file a petition under this subsection not more than one (1)
 28 time per year. If a court finds that the person is no longer a sexually
 29 violent predator, the court shall send notice to the ~~Indiana criminal~~
 30 ~~justice institute~~ **department of correction** that the person is no longer
 31 considered a sexually violent predator.

32 SECTION 21. IC 35-38-1-27 IS ADDED TO THE INDIANA
 33 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2006]: **Sec. 27. (a) If a court imposes a**
 35 **sentence that does not involve a commitment to the department of**
 36 **correction, the court shall require a person:**

1 (1) convicted of an offense described in IC 10-13-6-10; and
 2 (2) who has not previously provided a DNA sample in
 3 accordance with IC 10-13-6;
 4 to provide a DNA sample as a condition of the sentence.

5 (b) If a person described in subsection (a) is confined at the time
 6 of sentencing, the court shall order the person to provide a DNA
 7 sample immediately after sentencing.

8 (c) If a person described in subsection (a) is not confined at the
 9 time of sentencing, the agency supervising the person after
 10 sentencing shall establish the date, time, and location for the person
 11 to provide a DNA sample. However, the supervising agency must
 12 require that the DNA sample be provided not more than seven (7)
 13 days after sentencing. A supervising agency's failure to obtain a
 14 DNA sample not more than seven (7) days after sentencing does
 15 not permit a person required to provide a DNA sample to
 16 challenge the requirement that the person provide a DNA sample
 17 at a later date.

18 (d) A person's failure to provide a DNA sample is grounds for
 19 revocation of the person's probation, community corrections
 20 placement, or other conditional release.

21 SECTION 22. IC 35-38-2-2.2 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.2. As a condition of
 23 probation for ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~
 24 IC 11-8-8-5), the court shall:

25 (1) require the sex offender to register with the ~~sheriff (or the~~
 26 ~~police chief of a consolidated city)~~ local law enforcement
 27 authority under ~~IC 5-2-12-5~~; IC 11-8-8; and

28 (2) prohibit the sex offender from residing within one thousand
 29 (1,000) feet of school property (as defined in IC 35-41-1-24.7) for
 30 the period of probation, unless the sex offender obtains written
 31 approval from the court.

32 If the court allows the sex offender to reside within one thousand
 33 (1,000) feet of school property under subdivision (2), the court shall
 34 notify each school within one thousand (1,000) feet of the sex offender's
 35 residence of the order.

36 SECTION 23. IC 35-38-2-2.3 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.3. (a) As a condition
2 of probation, the court may require a person to do a combination of the
3 following:

4 (1) Work faithfully at suitable employment or faithfully pursue a
5 course of study or vocational training that will equip the person for
6 suitable employment.

7 (2) Undergo available medical or psychiatric treatment and remain
8 in a specified institution if required for that purpose.

9 (3) Attend or reside in a facility established for the instruction,
10 recreation, or residence of persons on probation.

11 (4) Support the person's dependents and meet other family
12 responsibilities.

13 (5) Make restitution or reparation to the victim of the crime for
14 damage or injury that was sustained by the victim. When
15 restitution or reparation is a condition of probation, the court shall
16 fix the amount, which may not exceed an amount the person can
17 or will be able to pay, and shall fix the manner of performance.

18 (6) Execute a repayment agreement with the appropriate
19 governmental entity to repay the full amount of public relief or
20 assistance wrongfully received, and make repayments according
21 to a repayment schedule set out in the agreement.

22 (7) Pay a fine authorized by IC 35-50.

23 (8) Refrain from possessing a firearm or other deadly weapon
24 unless granted written permission by the court or the person's
25 probation officer.

26 (9) Report to a probation officer at reasonable times as directed by
27 the court or the probation officer.

28 (10) Permit the person's probation officer to visit the person at
29 reasonable times at the person's home or elsewhere.

30 (11) Remain within the jurisdiction of the court, unless granted
31 permission to leave by the court or by the person's probation
32 officer.

33 (12) Answer all reasonable inquiries by the court or the person's
34 probation officer and promptly notify the court or probation
35 officer of any change in address or employment.

36 (13) Perform uncompensated work that benefits the community.

37 (14) Satisfy other conditions reasonably related to the person's

- 1 rehabilitation.
- 2 (15) Undergo home detention under IC 35-38-2.5.
- 3 (16) Undergo a laboratory test or series of tests approved by the
- 4 state department of health to detect and confirm the presence of
- 5 the human immunodeficiency virus (HIV) antigen or antibodies to
- 6 the human immunodeficiency virus (HIV), if:
- 7 (A) the person had been convicted of a sex crime listed in
- 8 IC 35-38-1-7.1(e) and the crime created an epidemiologically
- 9 demonstrated risk of transmission of the human
- 10 immunodeficiency virus (HIV) as described in
- 11 IC 35-38-1-7.1(b)(8); or
- 12 (B) the person had been convicted of an offense related to a
- 13 controlled substance listed in IC 35-38-1-7.1(f) and the offense
- 14 involved the conditions described in IC 35-38-1-7.1(b)(9)(A).
- 15 (17) Refrain from any direct or indirect contact with an individual.
- 16 (18) Execute a repayment agreement with the appropriate
- 17 governmental entity or with a person for reasonable costs incurred
- 18 because of the taking, detention, or return of a missing child (as
- 19 defined in IC 10-13-5-4).
- 20 (19) Periodically undergo a laboratory chemical test (as defined in
- 21 IC 14-15-8-1) or series of chemical tests as specified by the court
- 22 to detect and confirm the presence of a controlled substance (as
- 23 defined in IC 35-48-1-9). The person on probation is responsible
- 24 for any charges resulting from a test and shall have the results of
- 25 any test under this subdivision reported to the person's probation
- 26 officer by the laboratory.
- 27 (20) If the person was confined in a penal facility, execute a
- 28 reimbursement plan as directed by the court and make repayments
- 29 under the plan to the authority that operates the penal facility for
- 30 all or part of the costs of the person's confinement in the penal
- 31 facility. The court shall fix an amount that:
- 32 (A) may not exceed an amount the person can or will be able
- 33 to pay;
- 34 (B) does not harm the person's ability to reasonably be self
- 35 supporting or to reasonably support any dependent of the
- 36 person; and
- 37 (C) takes into consideration and gives priority to any other

1 restitution, reparation, repayment, or fine the person is required
2 to pay under this section.

3 (21) Refrain from owning, harboring, or training an animal.

4 (b) When a person is placed on probation, the person shall be given
5 a written statement specifying:

6 (1) the conditions of probation; and

7 (2) that if the person violates a condition of probation during the
8 probationary period, a petition to revoke probation may be filed
9 before the earlier of the following:

10 (A) One (1) year after the termination of probation.

11 (B) Forty-five (45) days after the state receives notice of the
12 violation.

13 (c) As a condition of probation, the court may require that the person
14 serve a term of imprisonment in an appropriate facility at the time or
15 intervals (consecutive or intermittent) within the period of probation the
16 court determines.

17 (d) Intermittent service may be required only for a term of not more
18 than sixty (60) days and must be served in the county or local penal
19 facility. The intermittent term is computed on the basis of the actual
20 days spent in confinement and shall be completed within one (1) year.
21 A person does not earn credit time while serving an intermittent term of
22 imprisonment under this subsection. When the court orders intermittent
23 service, the court shall state:

24 (1) the term of imprisonment;

25 (2) the days or parts of days during which a person is to be
26 confined; and

27 (3) the conditions.

28 (e) Supervision of a person may be transferred from the court that
29 placed the person on probation to a court of another jurisdiction, with
30 the concurrence of both courts. Retransfers of supervision may occur in
31 the same manner. This subsection does not apply to transfers made
32 under IC 11-13-4 or IC 11-13-5.

33 (f) When a court imposes a condition of probation described in
34 subsection (a)(17):

35 (1) the clerk of the court shall comply with IC 5-2-9; and

36 (2) the prosecuting attorney shall file a confidential form
37 prescribed or approved by the division of state court

administration with the clerk.

(g) As a condition of probation, a court shall require a person:

(1) convicted of an offense described in IC 10-13-6-10;

(2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and

(3) whose sentence does not involve a commitment to the department of correction;

to provide a DNA sample as a condition of probation.

SECTION 24. IC 35-38-2-2.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.4. As a condition of probation, the court may require ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~) IC 11-8-8-5) to:

(1) participate in a treatment program for sex offenders approved by the court; and

(2) avoid contact with any person who is less than sixteen (16) years of age unless the probationer:

(A) receives the court's approval; or

(B) successfully completes the treatment program referred to in subdivision (1).

SECTION 25. IC 35-38-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this section, "offender" means an individual convicted of a sex offense.

(b) As used in this section, "sex offense" means any of the following:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual battery (IC 35-42-4-8).

(9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

(10) Incest (IC 35-46-1-3).

(c) A condition of remaining on probation or parole after conviction for a sex offense is that the offender not reside within one (1) mile of the residence of the victim of the offender's sex offense.

(d) An offender:

(1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the offender intends to reside during the period of probation:

(A) at the time of sentencing if the offender will be placed on probation without first being incarcerated; or

(B) before the offender's release from incarceration if the offender will be placed on probation after completing a term of incarceration; or

(2) who will be placed on parole shall provide the parole board with the address where the offender intends to reside during the period of parole.

(e) An offender, while on probation or parole, may not establish a new residence within one (1) mile of the residence of the victim of the offender's sex offense unless the offender first obtains a waiver from the:

(1) court, if the offender is placed on probation; or

(2) parole board, if the offender is placed on parole;

for the change of address under subsection (f).

(f) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the offender is present and of which the prosecuting attorney has been notified, determines that:

(1) the offender has successfully completed a sex offender treatment program during the period of probation or parole;

(2) the offender is in compliance with all terms of the offender's probation or parole; and

(3) good cause exists to allow the offender to reside within one (1) mile of the residence of the victim of the offender's sex offense.

However, the court or parole board may not grant a waiver under this subsection if the offender is a sexually violent predator under IC 35-38-1-7.5.

(g) If the court or parole board grants a waiver under subsection (f), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.

(h) The address of the victim of the offender's sex offense is confidential, even if the court or parole board grants a waiver under

1 subsection (f).

2 SECTION 26. IC 35-38-2-2.6 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2006]: Sec. 2.6. (a) As a condition of
5 remaining on probation or parole after a conviction for stalking
6 (IC 35-45-10-5), a court may prohibit a person from residing
7 within one thousand (1,000) feet of the residence of the victim of the
8 stalking for a period that does not exceed five (5) years.

9 (b) A person:

10 (1) who will be placed on probation shall provide the
11 sentencing court and the probation department with the
12 address where the person intends to reside during the period
13 of probation:

14 (A) at the time of sentencing if the person will be placed on
15 probation without first being incarcerated; or

16 (B) before the person's release from incarceration if the
17 person will be placed on probation after completing a term
18 of incarceration; or

19 (2) who will be placed on parole shall provide the parole
20 board with the address where the person intends to reside
21 during the period of parole.

22 (c) A person, while on probation or parole, may not reside
23 within one thousand (1,000) feet of the residence of the victim of the
24 stalking unless the person first obtains a waiver under subsection
25 (d) from the:

26 (1) court, if the person is placed on probation; or

27 (2) parole board, if the person is placed on parole.

28 (d) The court or parole board may waive the requirement set
29 forth in subsection (c) only if the court or parole board, at a
30 hearing at which the person is present and of which the prosecuting
31 attorney has been notified, determines that:

32 (1) the person is in compliance with all terms of the person's
33 probation or parole; and

34 (2) good cause exists to allow the person to reside within one
35 thousand (1,000) feet of the residence of the victim of the
36 stalking.

37 (e) If the court or parole board grants a waiver under

1 subsection (d), the court or parole board shall state in writing the
 2 reasons for granting the waiver. The court's written statement of
 3 its reasons shall be incorporated into the record.

4 (f) The address of the victim of the stalking is confidential even
 5 if the court or parole board grants a waiver under subsection (d).

6 SECTION 27. IC 35-38-2.5-6 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. An order for home
 8 detention of an offender under section 5 of this chapter must include the
 9 following:

10 (1) A requirement that the offender be confined to the offender's
 11 home at all times except when the offender is:

12 (A) working at employment approved by the court or traveling
 13 to or from approved employment;

14 (B) unemployed and seeking employment approved for the
 15 offender by the court;

16 (C) undergoing medical, psychiatric, mental health treatment,
 17 counseling, or other treatment programs approved for the
 18 offender by the court;

19 (D) attending an educational institution or a program approved
 20 for the offender by the court;

21 (E) attending a regularly scheduled religious service at a place
 22 of worship; or

23 (F) participating in a community work release or community
 24 restitution or service program approved for the offender by the
 25 court.

26 (2) Notice to the offender that violation of the order for home
 27 detention may subject the offender to prosecution for the crime of
 28 escape under IC 35-44-3-5.

29 (3) A requirement that the offender abide by a schedule prepared
 30 by the probation department, or by a community corrections
 31 program ordered to provide supervision of the offender's home
 32 detention, specifically setting forth the times when the offender
 33 may be absent from the offender's home and the locations the
 34 offender is allowed to be during the scheduled absences.

35 (4) A requirement that the offender is not to commit another crime
 36 during the period of home detention ordered by the court.

37 (5) A requirement that the offender obtain approval from the

1 probation department or from a community corrections program
 2 ordered to provide supervision of the offender's home detention
 3 before the offender changes residence or the schedule described in
 4 subdivision (3).

5 (6) A requirement that the offender maintain:

6 (A) a working telephone in the offender's home; and

7 (B) if ordered by the court, a monitoring device in the
 8 offender's home or on the offender's person, or both.

9 (7) A requirement that the offender pay a home detention fee set
 10 by the court in addition to the probation user's fee required under
 11 IC 35-38-2-1 or IC 31-40. However, the fee set under this
 12 subdivision may not exceed the maximum fee specified by the
 13 department of correction under IC 11-12-2-12.

14 (8) A requirement that the offender abide by other conditions of
 15 probation set by the court under IC 35-38-2-2.3.

16 (9) **A requirement that an offender:**

17 **(1) convicted of an offense described in IC 10-13-6-10;**

18 **(2) who has not previously provided a DNA sample in**
 19 **accordance with IC 10-13-6; and**

20 **(3) whose sentence does not involve a commitment to the**
 21 **department of correction;**

22 **provide a DNA sample.**

23 SECTION 28. IC 35-38-2.6-3 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The court may,
 25 at the time of sentencing, suspend the sentence and order a person to be
 26 placed in a community corrections program as an alternative to
 27 commitment to the department of correction. The court may impose
 28 reasonable terms on the placement. **A court shall require a person:**

29 **(1) convicted of an offense described in IC 10-13-6-10;**

30 **(2) who has not previously provided a DNA sample in**
 31 **accordance with IC 10-13-6; and**

32 **(3) whose sentence does not involve a commitment to the**
 33 **department of correction;**

34 **to provide a DNA sample as a term of placement.**

35 (b) Placement in a community corrections program under this
 36 chapter is subject to the availability of residential beds or home
 37 detention units in a community corrections program.

(c) A person placed under this chapter is responsible for the person's own medical care while in the placement program.

(d) Placement under this chapter is subject to the community corrections program receiving a written presentence report or memorandum from a county probation agency.

SECTION 29. IC 35-41-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as otherwise provided in this section, a prosecution for an offense is barred unless it is commenced:

(1) within five (5) years after the commission of the offense, in the case of a Class B, Class C, or Class D felony; or

(2) within two (2) years after the commission of the offense, in the case of a misdemeanor.

(b) A prosecution for a Class B or Class C felony that would otherwise be barred under this section may be commenced within one (1) year after the earlier of the date on which the state:

(1) first discovers ~~the identity of evidence sufficient to charge~~ the offender with **the offense through** DNA (deoxyribonucleic acid) ~~evidence; analysis;~~ or

(2) could have discovered ~~the identity of evidence sufficient to charge~~ the offender with **the offense through** DNA (deoxyribonucleic acid) ~~evidence analysis~~ by the exercise of due diligence.

~~However, for a Class B or Class C felony in which the state first discovered the identity of an offender with DNA (deoxyribonucleic acid) evidence after the time otherwise allowed for prosecution and before July 1, 2001, the one (1) year period provided in this subsection is extended to July 1, 2002.~~

(c) A prosecution for a Class A felony may be commenced at any time.

(d) A prosecution for murder may be commenced:

(1) at any time; and

(2) regardless of the amount of time that passes between:

(A) the date a person allegedly commits the elements of murder; and

(B) the date the alleged victim of the murder dies.

(e) A prosecution for the following offenses is barred unless

1 commenced before the date that the alleged victim of the offense
2 reaches thirty-one (31) years of age:

- 3 (1) IC 35-42-4-3(a) (Child molesting).
- 4 (2) IC 35-42-4-5 (Vicarious sexual gratification).
- 5 (3) IC 35-42-4-6 (Child solicitation).
- 6 (4) IC 35-42-4-7 (Child seduction).
- 7 (5) IC 35-46-1-3 (Incest).

8 (f) A prosecution for forgery of an instrument for payment of money,
9 or for the uttering of a forged instrument, under IC 35-43-5-2, is barred
10 unless it is commenced within five (5) years after the maturity of the
11 instrument.

12 (g) If a complaint, indictment, or information is dismissed because
13 of an error, defect, insufficiency, or irregularity, a new prosecution may
14 be commenced within ninety (90) days after the dismissal even if the
15 period of limitation has expired at the time of dismissal, or will expire
16 within ninety (90) days after the dismissal.

17 (h) The period within which a prosecution must be commenced does
18 not include any period in which:

- 19 (1) the accused person is not usually and publicly resident in
20 Indiana or so conceals himself **or herself** that process cannot be
21 served; ~~on him;~~
- 22 (2) the accused person conceals evidence of the offense, and
23 evidence sufficient to charge ~~him~~ **the person** with that offense is
24 unknown to the prosecuting authority and could not have been
25 discovered by that authority by exercise of due diligence; or
- 26 (3) the accused person is a person elected or appointed to office
27 under statute or constitution, if the offense charged is theft or
28 conversion of public funds or bribery while in public office.

29 (i) For purposes of tolling the period of limitation only, a prosecution
30 is considered commenced on the earliest of these dates:

- 31 (1) The date of filing of an indictment, information, or complaint
32 before a court having jurisdiction.
- 33 (2) The date of issuance of a valid arrest warrant.
- 34 (3) The date of arrest of the accused person by a law enforcement
35 officer without a warrant, if the officer has authority to make the
36 arrest.

37 (j) A prosecution is considered timely commenced for any offense to

1 which the defendant enters a plea of guilty, notwithstanding that the
2 period of limitation has expired.

3 SECTION 30. IC 35-42-4-10 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2006]: **Sec. 10. (a) As used in this section,**
6 **"sexually violent predator" means a person who is a sexually**
7 **violent predator under IC 35-38-1-7.5.**

8 **(b) A sexually violent predator who knowingly or intentionally**
9 **works for compensation or as a volunteer:**

10 **(1) on school property;**

11 **(2) at a youth program center; or**

12 **(3) at a public park;**

13 **commits unlawful employment near children by a sexual predator,**
14 **a Class D felony. However, the offense is a Class C felony if the**
15 **person has a prior unrelated conviction based on the person's**
16 **failure to comply with any requirement imposed on an offender**
17 **under this chapter.**

18 SECTION 31. IC 35-42-4-11 IS ADDED TO THE INDIANA
19 CODE AS A NEW SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2006]: **Sec. 11. (a) As used in this section,**
21 **"offender against children" means a person required to register as**
22 **an offender under IC 11-8-8 who has been:**

23 **(1) found to be a sexually violent predator under**
24 **IC 35-38-1-7.5; or**

25 **(2) convicted of one (1) or more of the following offenses:**

26 **(A) Child molesting (IC 35-42-4-3).**

27 **(B) Child exploitation (IC 35-42-4-4(b)).**

28 **(C) Child solicitation (IC 35-42-4-6).**

29 **(D) Child seduction (IC 35-42-4-7).**

30 **(E) Kidnapping (IC 35-42-3-2), if the victim is less than**
31 **eighteen (18) years of age.**

32 **(F) An offense in another jurisdiction that is substantially**
33 **similar to an offense described in clauses (A) through (E).**

34 **(b) As used in this section, "reside" means to spend more than**
35 **two (2) nights in a residence in any thirty (30) day period.**

36 **(c) An offender against children who knowingly or intentionally:**

37 **(1) resides within one thousand (1,000) feet of:**

- 1 **(A) school property;**
- 2 **(B) a youth program center; or**
- 3 **(C) a public park; or**
- 4 **(2) establishes a residence within one (1) mile of the residence**
- 5 **of the victim of the offender's sex offense;**
- 6 **commits a sex offender residency offense, a Class D felony.**

7 SECTION 32. IC 35-43-1-2 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A person who:

- 9 (1) recklessly, knowingly, or intentionally damages or defaces
- 10 property of another person without the other person's consent; or
- 11 (2) knowingly or intentionally causes another to suffer pecuniary
- 12 loss by deception or by an expression of intention to injure another
- 13 person or to damage the property or to impair the rights of another
- 14 person;

15 commits criminal mischief, a Class B misdemeanor. However, the
16 offense is:

- 17 (A) a Class A misdemeanor if:
- 18 (i) the pecuniary loss is at least two hundred fifty dollars
- 19 (\$250) but less than two thousand five hundred dollars
- 20 (\$2,500);
- 21 (ii) the property damaged was a moving motor vehicle;
- 22 (iii) the property damaged ~~or defaced was a copy of the sex~~
- 23 ~~and violent offender directory (IC 5-2-6-3)~~ **contained data**
- 24 **relating to a person required to register as a sex offender**
- 25 **under IC 11-8-8** and the person is not a sex offender or was
- 26 not required to register as a sex offender;
- 27 (iv) the property damaged was a locomotive, a railroad car,
- 28 a train, or equipment of a railroad company being operated
- 29 on a railroad right-of-way;
- 30 (v) the property damaged was a part of any railroad signal
- 31 system, train control system, centralized dispatching system,
- 32 or highway railroad grade crossing warning signal on a
- 33 railroad right-of-way owned, leased, or operated by a railroad
- 34 company;
- 35 (vi) the property damaged was any rail, switch, roadbed,
- 36 viaduct, bridge, trestle, culvert, or embankment on a
- 37 right-of-way owned, leased, or operated by a railroad

- 1 company; or
- 2 (vii) the property damage or defacement was caused by paint
- 3 or other markings; and
- 4 (B) a Class D felony if:
- 5 (i) the pecuniary loss is at least two thousand five hundred
- 6 dollars (\$2,500);
- 7 (ii) the damage causes a substantial interruption or
- 8 impairment of utility service rendered to the public;
- 9 (iii) the damage is to a public record;
- 10 (iv) the property damaged ~~or defaced was a copy of the sex~~
- 11 ~~and violent offender directory (IC 5-2-6-3)~~ **contained data**
- 12 **relating to a person required to register as a sex offender**
- 13 **under IC 11-8-8** and the person is a sex offender or was
- 14 required to register as a sex offender;
- 15 (v) the damage causes substantial interruption or impairment
- 16 of work conducted in a scientific research facility;
- 17 (vi) the damage is to a law enforcement animal (as defined in
- 18 IC 35-46-3-4.5); or
- 19 (vii) the damage causes substantial interruption or
- 20 impairment of work conducted in a food processing facility.
- 21 (b) A person who recklessly, knowingly, or intentionally damages:
- 22 (1) a structure used for religious worship;
- 23 (2) a school or community center;
- 24 (3) the grounds:
- 25 (A) adjacent to; and
- 26 (B) owned or rented in common with;
- 27 a structure or facility identified in subdivision (1) or (2); or
- 28 (4) personal property contained in a structure or located at a
- 29 facility identified in subdivision (1) or (2);
- 30 without the consent of the owner, possessor, or occupant of the property
- 31 that is damaged, commits institutional criminal mischief, a Class A
- 32 misdemeanor. However, the offense is a Class D felony if the pecuniary
- 33 loss is at least two hundred fifty dollars (\$250) but less than two
- 34 thousand five hundred dollars (\$2,500), and a Class C felony if the
- 35 pecuniary loss is at least two thousand five hundred dollars (\$2,500).
- 36 (c) If a person is convicted of an offense under this section that
- 37 involves the use of graffiti, the court may, in addition to any other

penalty, order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one (1) year.

(d) The court may rescind an order for suspension or invalidation under subsection (c) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that:

(1) the person has removed or painted over the graffiti or has made other suitable restitution; and

(2) the person who owns the property damaged or defaced by the criminal mischief or institutional criminal mischief is satisfied with the removal, painting, or other restitution performed by the person.

SECTION 33. IC 35-44-3-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 13. (a) A person who is being supervised on lifetime parole (as described in IC 35-50-6-1) and who knowingly or intentionally violates a condition of lifetime parole that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a sex crime described in IC 11-8-8-4 that was committed by the person commits a Class D felony if, at the time of the violation:**

(1) the person's lifetime parole has been revoked two (2) or more times; or

(2) the person has completed the person's sentence, including any credit time the person may have earned.

(b) The offense described in subsection (a) is a Class C felony if the person has a prior unrelated conviction under this section.

SECTION 34. IC 35-50-2-2, AS AMENDED BY P.L.213-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.**

(b) With respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the offender in a forensic diversion program under IC 11-12-3.7:

- 1 (1) The crime committed was a Class A or Class B felony and the
2 person has a prior unrelated felony conviction.
- 3 (2) The crime committed was a Class C felony and less than seven
4 (7) years have elapsed between the date the person was discharged
5 from probation, imprisonment, or parole, whichever is later, for a
6 prior unrelated felony conviction and the date the person
7 committed the Class C felony for which the person is being
8 sentenced.
- 9 (3) The crime committed was a Class D felony and less than three
10 (3) years have elapsed between the date the person was discharged
11 from probation, imprisonment, or parole, whichever is later, for a
12 prior unrelated felony conviction and the date the person
13 committed the Class D felony for which the person is being
14 sentenced. However, the court may suspend the minimum sentence
15 for the crime only if the court orders home detention under
16 IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence
17 specified for the crime under this chapter.
- 18 (4) The felony committed was:
 - 19 (A) murder (IC 35-42-1-1);
 - 20 (B) battery (IC 35-42-2-1) with a deadly weapon or battery
21 causing death;
 - 22 (C) sexual battery (IC 35-42-4-8) with a deadly weapon;
 - 23 (D) kidnapping (IC 35-42-3-2);
 - 24 (E) confinement (IC 35-42-3-3) with a deadly weapon;
 - 25 (F) rape (IC 35-42-4-1) as a Class A felony;
 - 26 (G) criminal deviate conduct (IC 35-42-4-2) as a Class A
27 felony;
 - 28 (H) child molesting (IC 35-42-4-3) as a Class A or Class B
29 felony;
 - 30 (I) robbery (IC 35-42-5-1) resulting in serious bodily injury or
31 with a deadly weapon;
 - 32 (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily
33 injury;
 - 34 (K) burglary (IC 35-43-2-1) resulting in serious bodily injury
35 or with a deadly weapon;
 - 36 (L) resisting law enforcement (IC 35-44-3-3) with a deadly
37 weapon;

- 1 (M) escape (IC 35-44-3-5) with a deadly weapon;
2 (N) rioting (IC 35-45-1-2) with a deadly weapon;
3 (O) dealing in cocaine, a narcotic drug, or methamphetamine
4 (IC 35-48-4-1) if the court finds the person possessed a firearm
5 (as defined in IC 35-47-1-5) at the time of the offense, or the
6 person delivered or intended to deliver to a person under
7 eighteen (18) years of age at least three (3) years junior to the
8 person and was on a school bus or within one thousand (1,000)
9 feet of:
- 10 (i) school property;
11 (ii) a public park;
12 (iii) a family housing complex; or
13 (iv) a youth program center;
- 14 (P) dealing in a schedule I, II, or III controlled substance
15 (IC 35-48-4-2) if the court finds the person possessed a firearm
16 (as defined in IC 35-47-1-5) at the time of the offense, or the
17 person delivered or intended to deliver to a person under
18 eighteen (18) years of age at least three (3) years junior to the
19 person and was on a school bus or within one thousand (1,000)
20 feet of:
- 21 (i) school property;
22 (ii) a public park;
23 (iii) a family housing complex; or
24 (iv) a youth program center;
- 25 (Q) an offense under IC 9-30-5 (operating a vehicle while
26 intoxicated) and the person who committed the offense has
27 accumulated at least two (2) prior unrelated convictions under
28 IC 9-30-5;
- 29 (R) an offense under IC 9-30-5-5(b) (operating a vehicle while
30 intoxicated causing death); or
31 (S) aggravated battery (IC 35-42-2-1.5).
- 32 (c) Except as provided in subsection (e), whenever the court
33 suspends a sentence for a felony, it shall place the person on probation
34 under IC 35-38-2 for a fixed period to end not later than the date that
35 the maximum sentence that may be imposed for the felony will expire.
- 36 (d) The minimum sentence for a person convicted of voluntary
37 manslaughter may not be suspended unless the court finds at the

1 sentencing hearing that the crime was not committed by means of a
2 deadly weapon.

3 (e) Whenever the court suspends that part of ~~an~~ **a sex** offender's (as
4 defined in ~~IC 5-2-12-4~~ **IC 11-8-8-5**) sentence that is suspendible under
5 subsection (b), the court shall place the **sex** offender on probation under
6 IC 35-38-2 for not more than ten (10) years.

7 (f) An additional term of imprisonment imposed under
8 IC 35-50-2-11 may not be suspended.

9 (g) A term of imprisonment imposed under IC 35-47-10-6 or
10 IC 35-47-10-7 may not be suspended if the commission of the offense
11 was knowing or intentional.

12 (h) A term of imprisonment imposed for an offense under
13 IC 35-48-4-6(b)(1)(B) may not be suspended.

14 SECTION 35. IC 35-50-2-14, AS AMENDED BY P.L.71-2005,
15 SECTION 15, IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The state may seek to have
17 a person sentenced as a repeat sexual offender for a sex offense under
18 IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense**
19 **committed in another jurisdiction that is substantially similar to a**
20 **sex offense under IC 35-42-4-1 through IC 35-42-4-9 or**
21 **IC 35-46-1-3**, by alleging, on a page separate from the rest of the
22 charging instrument, that the person has accumulated one (1) prior
23 unrelated felony conviction for a sex offense under IC 35-42-4-1
24 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed**
25 **in another jurisdiction that is substantially similar to a sex offense**
26 **under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3.**

27 (b) After a person has been convicted and sentenced for a felony
28 committed after sentencing for a prior unrelated felony conviction under
29 IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense**
30 **committed in another jurisdiction that is substantially similar to a**
31 **sex offense under IC 35-42-4-1 through IC 35-42-4-9 or**
32 **IC 35-46-1-3**, the person has accumulated one (1) prior unrelated
33 felony conviction. However, a conviction does not count for purposes
34 of this subsection, if:

- 35 (1) it has been set aside; or
36 (2) it is one for which the person has been pardoned.

(c) If the person was convicted of the offense in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(d) A person is a repeat sexual offender if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person had accumulated one (1) prior unrelated felony conviction under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or had accumulated one (1) prior unrelated conviction for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3.**

(e) The court may sentence a person found to be a repeat sexual offender to an additional fixed term that is the advisory sentence for the underlying offense. However, the additional sentence may not exceed ten (10) years.

SECTION 36. IC 35-50-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in subsection (d) **or (e)**, when a person imprisoned for a felony completes ~~his~~ **the person's** fixed term of imprisonment, less the credit time ~~he~~ **the person** has earned with respect to that term, ~~he~~ **the person** shall be:

(1) released on parole for not more than twenty-four (24) months, as determined by the parole board;

(2) discharged upon a finding by the committing court that the person was assigned to a community transition program and may be discharged without the requirement of parole; or

(3) released to the committing court if ~~his~~ **the** sentence included a period of probation.

(b) ~~Except as provided in subsection (d),~~ **This subsection does not apply to a person described in subsection (d), (e), or (f).** A person released on parole remains on parole from the date of ~~his~~ release until ~~his~~ **the person's** fixed term expires, unless ~~his~~ **the person's** parole is revoked or ~~he~~ **the person** is discharged from that term by the parole board. In any event, if ~~his~~ **the person's** parole is not revoked, the parole

board shall discharge ~~him~~ **the person** after the period set under subsection (a) or the expiration of the person's fixed term, whichever is shorter.

(c) A person whose parole is revoked shall be imprisoned for **all or part of** the remainder of ~~his~~ **the person's** fixed term. However, ~~he~~ **the person** shall again be released on parole when ~~he~~ **the person** completes that remainder, less the credit time ~~he~~ **the person** has earned since the revocation. The parole board may reinstate ~~him~~ **the person** on parole at any time after the revocation.

(d) **This subsection does not apply to a person who is a sexually violent predator under IC 35-38-1-7.5.** When ~~an~~ **offender a sex offender** (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-4**) completes the sex offender's fixed term of imprisonment, less credit time earned with respect to that term, the **sex** offender shall be placed on parole for not more than ten (10) years.

(e) **This subsection applies to a person who is a sexually violent predator under IC 35-38-1-7.5. When a sexually violent predator completes the person's fixed term of imprisonment, less credit time earned with respect to that term, the person shall be placed on parole for the remainder of the person's life.**

(f) **This subsection applies to a parolee in another jurisdiction who is a sexually violent predator under IC 35-38-1-7.5 and whose parole supervision is transferred to Indiana from another jurisdiction. In accordance with IC 11-13-4-1(2) (Interstate Compact for Out-of-State Probationers and Parolees) and rules adopted under Article VII (d)(8) of the Interstate Compact for Adult Offender Supervision (IC 11-13-4.5), a parolee who is a sexually violent predator and whose parole supervision is transferred to Indiana is subject to the same conditions of parole as a sexually violent predator convicted in Indiana, including:**

- (1) lifetime parole (as described in subsection (e)); and**
- (2) the requirement that the person wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, if applicable.**

(g) If a person being supervised on lifetime parole as described

in subsection (e) is also required to be supervised by a court, a probation department, a community corrections program, a community transition program, or another similar program upon the person's release from imprisonment, the parole board may:

(1) supervise the person while the person is being supervised by the other supervising agency; or

(2) permit the other supervising agency to exercise all or part of the parole board's supervisory responsibility during the period in which the other supervising agency is required to supervise the person, if supervision by the other supervising agency will be, in the opinion of the parole board:

(A) at least as stringent; and

(B) at least as effective;

as supervision by the parole board.

(h) The parole board is not required to supervise a person on lifetime parole during any period in which the person is imprisoned. However, upon the person's release from imprisonment, the parole board shall recommence its supervision of a person on lifetime parole.

SECTION 37. IC 35-50-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A person may, with respect to the same transaction, be deprived of any part of the credit time ~~he~~ **the person** has earned for any of the following:

(1) A violation of one (1) or more rules of the department of correction.

(2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.

(3) A violation of one (1) or more rules or conditions of a community transition program.

(4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.

(5) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to register before being released from the department as required under IC 11-8-8-7.

(6) If the person is a sex offender (as defined in IC 11-8-8-5)

1 **and refuses to participate in a sex offender treatment**
 2 **program specifically offered to the sex offender by the**
 3 **department of correction while the person is serving a period**
 4 **of incarceration with the department of correction.**

5 However, the violation of a condition of parole or probation may not be
 6 the basis for deprivation. Whenever a person is deprived of credit time,
 7 he may also be reassigned to Class II or Class III.

8 (b) Before a person may be deprived of earned credit time, the
 9 person must be granted a hearing to determine ~~his~~ **the person's** guilt or
 10 innocence and, if found guilty, whether deprivation of earned credit time
 11 is an appropriate disciplinary action for the violation. In connection with
 12 the hearing, the person is entitled to the procedural safeguards listed in
 13 section 4(c) of this chapter. The person may waive ~~his~~ **the person's**
 14 right to the hearing.

15 (c) Any part of the credit time of which a person is deprived under
 16 this section may be restored.

17 SECTION 38. IC 36-2-13-5.5 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) The sheriffs
 19 shall jointly establish and maintain ~~a~~ **an Indiana** sex offender web site,
 20 known as the Indiana ~~sheriffs'~~ sex offender registry, to inform the
 21 general public about the identity, location, and appearance of every sex
 22 offender residing within Indiana. The web site must provide information
 23 regarding each sex offender, organized by county of residence. The web
 24 site shall be updated at least ~~every seven (7) days~~ **daily**.

25 (b) The **Indiana** sex offender web site must include the following
 26 information:

27 (1) A recent photograph of every sex offender who has registered
 28 with a sheriff after the effective date of this chapter.

29 (2) The home address of every sex offender.

30 (3) The information required to be included in the **Indiana** sex
 31 offender ~~directory (IC 5-2-12-6)~~ **registry under IC 11-8-8-8**.

32 (c) Every time a sex offender ~~submits a new registration form to the~~
 33 **sheriff registers**, but at least once per year, the sheriff shall photograph
 34 the sex offender. The sheriff shall place this photograph on the **Indiana**
 35 sex offender web site.

36 (d) The photograph of a sex offender described in subsection (c)
 37 must meet the following requirements:

(1) The photograph must be full face, front view, with a plain white or off-white background.

(2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.

(3) The photograph must be in color.

(4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or hairline.

(5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.

(6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the **Indiana** sex offender web site.

(e) The **Indiana** sex offender web site may be funded from:

(1) the jail commissary fund (IC 36-8-10-21);

(2) a grant from the criminal justice institute; and

(3) any other source, subject to the approval of the county fiscal body.

SECTION 39. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 5-2-6-3.5; IC 5-2-12.

SECTION 40. [EFFECTIVE JULY 1, 2006] **IC 11-8-8-15, IC 11-8-8-17, IC 11-8-8-18, IC 35-42-4-10, and IC 35-42-3-11, all as added by this act, and IC 35-43-1-2, and IC 35-44-3-13, both as amended by this act, apply only to crimes committed after June 30, 2006.**

SECTION 41. [EFFECTIVE JULY 1, 2006] **IC 35-50-6-1, as amended by this act, applies only to a person who commits a crime after June 30, 2006.**

SECTION 42. [EFFECTIVE UPON PASSAGE] **(a) The department of correction shall report to the budget committee on or before August 1, 2006, concerning the estimated costs of implementing IC 11-13-3-4(i), as added by this act, and the**

1 **feasibility of recovering those costs from offenders.**

2 **(b) This SECTION expires July 1, 2007.**

3 SECTION 43. [EFFECTIVE JULY 1, 2006] **(a) The department**
4 **of correction shall report to the legislative council before**
5 **November 1 of each year concerning the department's**
6 **implementation of lifetime parole and GPS monitoring for child**
7 **molesters. The report must include information relating to:**

8 **(1) the expense of lifetime parole and GPS monitoring;**

9 **(2) recidivism; and**

10 **(3) any proposal to make the program of lifetime parole and**
11 **GPS monitoring less expensive or more effective, or both.**

12 **(b) The report described in subsection (a) must be in an**
13 **electronic format under IC 5-14-6.**

14 **(c) This SECTION expires November 2, 2010.**

15 SECTION 44. [EFFECTIVE JULY 1, 2006] **Notwithstanding**
16 **IC 10-13-6-10, IC 10-13-6-11, IC 35-38-2-2.3, IC 35-38-2.5-6, and**
17 **IC 35-38-2.6-3, all as amended by this act, and IC 35-38-1-27, as**
18 **added by this act, a probation department, community corrections**
19 **department, or other agency supervising an offender on**
20 **conditional release is not required to collect a DNA sample before**
21 **October 1, 2006. However, a probation department, community**
22 **corrections department, or other agency supervising an offender**
23 **on conditional release is authorized to collect a DNA sample before**
24 **October 1, 2006, and a DNA sample collected before October 1,**
25 **2006, may be analyzed and placed in the convicted offender data**
26 **base.**

27 SECTION 45. P.L.61-2005, SECTION 1, IS AMENDED TO
28 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION
29 1. (a) As used in this SECTION, "committee" refers to the sentencing
30 policy study committee established by subsection (c).

31 (b) The general assembly finds that a comprehensive study of
32 sentencing laws and policies is desirable in order to:

33 (1) ensure that sentencing laws and policies protect the public
34 safety;

35 (2) establish fairness and uniformity in sentencing laws and
36 policies;

37 (3) determine whether incarceration or alternative sanctions are

1 appropriate for various categories of criminal offenses; and
2 (4) maximize cost effectiveness in the administration of sentencing
3 laws and policies.

4 (c) The sentencing policy study committee is established to evaluate
5 sentencing laws and policies as they relate to:

- 6 (1) the purposes of the criminal justice and corrections systems;
7 (2) the availability of sentencing options; and
8 (3) the inmate population in department of correction facilities.

9 If, based on the committee's evaluation under this subsection, the
10 committee determines changes are necessary or appropriate, the
11 committee shall make recommendations to the general assembly for the
12 modification of sentencing laws and policies and for the addition,
13 deletion, or expansion of sentencing options.

14 (d) The committee shall do the following:

15 (1) Evaluate the existing classification of criminal offenses into
16 felony and misdemeanor categories. In determining the proper
17 category for each felony and misdemeanor, the committee shall
18 consider, to the extent they have relevance, the following:

19 (A) The nature and degree of harm likely to be caused by the
20 offense, including whether the offense involves property,
21 irreplaceable property, a person, a number of persons, or a
22 breach of the public trust.

23 (B) The deterrent effect a particular classification may have on
24 the commission of the offense.

25 (C) The current incidence of the offense in Indiana.

26 (D) The rights of the victim.

27 (2) Recommend structures to be used by a sentencing court in
28 determining the most appropriate sentence to be imposed in a
29 criminal case, including any combination of imprisonment,
30 probation, restitution, community service, or house arrest. The
31 committee shall also consider the following:

32 (A) The nature and characteristics of the offense.

33 (B) The severity of the offense in relation to other offenses.

34 (C) The characteristics of the defendant that mitigate or
35 aggravate the seriousness of the criminal conduct and the
36 punishment deserved for that conduct.

37 (D) The defendant's number of prior convictions.

- 1 (E) The available resources and capacity of the department of
2 correction, local confinement facilities, and community based
3 sanctions.
- 4 (F) The rights of the victim.
- 5 The committee shall include with each set of sentencing structures
6 an estimate of the effect of the sentencing structures on the
7 department of correction and local facilities with respect to both
8 fiscal impact and inmate population.
- 9 (3) Review community corrections and home detention programs
10 for the purpose of:
 - 11 (A) standardizing procedures and establishing rules for the
12 supervision of home detainees; and
 - 13 (B) establishing procedures for the supervision of home
14 detainees by community corrections programs of adjoining
15 counties.
- 16 (4) Determine the long range needs of the criminal justice and
17 corrections systems and recommend policy priorities for those
18 systems.
- 19 (5) Identify critical problems in the criminal justice and corrections
20 systems and recommend strategies to solve the problems.
- 21 (6) Assess the cost effectiveness of the use of state and local funds
22 in the criminal justice and corrections systems.
- 23 (7) Recommend a comprehensive community corrections strategy
24 based on the following:
 - 25 (A) A review of existing community corrections programs.
 - 26 (B) The identification of additional types of community
27 corrections programs necessary to create an effective
28 continuum of corrections sanctions.
 - 29 (C) The identification of categories of offenders who should be
30 eligible for sentencing to community corrections programs and
31 the impact that changes to the existing system of community
32 corrections programs would have on sentencing practices.
 - 33 (D) The identification of necessary changes in state oversight
34 and coordination of community corrections programs.
 - 35 (E) An evaluation of mechanisms for state funding and local
36 community participation in the operation and implementation
37 of community corrections programs.

- 1 (F) An analysis of the rate of recidivism of clients under the
- 2 supervision of existing community corrections programs.
- 3 (8) Propose plans, programs, and legislation for improving the
- 4 effectiveness of the criminal justice and corrections systems.
- 5 (9) Evaluate the use of faith based organizations as an alternative
- 6 to incarceration.
- 7 **(10) Study issues related to sex offenders, including:**
- 8 **(A) lifetime parole;**
- 9 **(B) GPS or other electronic monitoring;**
- 10 **(C) a classification system for sex offenders;**
- 11 **(D) recidivism; and**
- 12 **(E) treatment.**
- 13 (e) The committee may study other topics assigned by the legislative
- 14 council or as directed by the committee chair. **The committee may**
- 15 **meet as often as necessary.**
- 16 (f) The committee consists of nineteen (19) members appointed as
- 17 follows:
- 18 (1) Four (4) members of the senate, not more than two (2) of
- 19 whom may be affiliated with the same political party, to be
- 20 appointed by the president pro tempore of the senate.
- 21 (2) Four (4) members of the house of representatives, not more
- 22 than two (2) of whom may be affiliated with the same political
- 23 party, to be appointed by the speaker of the house of
- 24 representatives.
- 25 (3) The chief justice of the supreme court or the chief justice's
- 26 designee.
- 27 (4) The commissioner of the department of correction or the
- 28 commissioner's designee.
- 29 (5) The director of the Indiana criminal justice institute or the
- 30 director's designee.
- 31 (6) The executive director of the prosecuting attorneys council of
- 32 Indiana or the executive director's designee.
- 33 (7) The executive director of the public defender council of
- 34 Indiana or the executive director's designee.
- 35 (8) One (1) person with experience in administering community
- 36 corrections programs, appointed by the governor.
- 37 (9) One (1) person with experience in administering probation

1 programs, appointed by the governor.

2 (10) Two (2) judges who exercise juvenile jurisdiction, not more
3 than one (1) of whom may be affiliated with the same political
4 party, to be appointed by the governor.

5 (11) Two (2) judges who exercise criminal jurisdiction, not more
6 than one (1) of whom may be affiliated with the same political
7 party, to be appointed by the governor.

8 (g) The chairman of the legislative council shall appoint a legislative
9 member of the committee to serve as chair of the committee. Whenever
10 there is a new chairman of the legislative council, the new chairman may
11 remove the chair of the committee and appoint another chair.

12 (h) If a legislative member of the committee ceases to be a member
13 of the chamber from which the member was appointed, the member also
14 ceases to be a member of the committee.

15 (i) A legislative member of the committee may be removed at any
16 time by the appointing authority who appointed the legislative member.

17 (j) If a vacancy exists on the committee, the appointing authority
18 who appointed the former member whose position is vacant shall
19 appoint an individual to fill the vacancy.

20 (k) The committee shall submit a final report of the results of its
21 study to the legislative council before November 1, 2006. The report
22 must be in an electronic format under IC 5-14-6.

23 (l) The Indiana criminal justice institute shall provide staff support
24 to the committee.

25 (m) Each member of the committee is entitled to receive the same per
26 diem, mileage, and travel allowances paid to individuals who serve as
27 legislative and lay members, respectively, of interim study committees
28 established by the legislative council.

29 (n) The affirmative votes of a majority of the members appointed to
30 the committee are required for the committee to take action on any
31 measure, including the final report.

32 (o) Except as otherwise specifically provided by this act, the
33 committee shall operate under the rules of the legislative council. All
34 funds necessary to carry out this act shall be paid from appropriations
35 to the legislative council and legislative services agency.

36 (p) This SECTION expires December 31, 2006.

37 **SECTION 46. An emergency is declared for this act.**

(Reference is to HB 1155 as reprinted February 1, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

Long

Chairperson